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सं० 10] नई दिल्ली, शनिवार, मार्च 10, 1984/फाल्गुन 20, 1905

No. 10] NEW DELHI, SATURDAY, MARCH 10, 1984/PHALGUNA 20, 1905

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किये गये सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence)

विधि, न्याय और कम्पनी कार्य मंत्रालय

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Legal Affairs)

New Delhi, the 2nd February, 1984

NOTICE

(विधि कार्य विभाग)

नई दिल्ली, 21 फरवरी, 1984

सूचना

S.O. 702.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri B. S. Chougufe (Kalmari), Advocate, 1083 Anantshayan Galli, Belgaum (Karnataka) for appointment as a Notary to practise in Belgaum District.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(12)/84-Judl.]

S. GOOPTU, Competent Authority

का० आ० 702.—नोटरीज नियम, 1956 के नियम 6-क के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री बी० एस० चोपुते (कलमारी), एडवोकेट, 1083 अनन्तशयन गल्ली, बेलगाम (कर्नाटका) ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया जा रहा है कि उसे बेलगाम (कर्नाटका) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाये।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं० 5 (12)/84-न्या]

एस गुप्त, सक्षम प्राधिकारी

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 9 सितम्बर, 1983

अधिकार

का० आ० 703.—इस कार्यालय की दिनांक 10/4/1980 की अधिसूचना सं० 3235 (फा० सं० 203/27/80-आ० क० (नि०-II) के सिलसिले में सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिकी विभाग नई दिल्ली ने निम्नलिखित संख्या को आयकर नियम 1962 के नियम 6

के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (II) के प्रयोजनों के लिए अन्य प्राकृतिक तथा अनुपयुक्त विज्ञानों के क्षेत्र में "संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

1. यह कि मेडिकल रिसर्च फाउंडेशन, मद्रास वैज्ञानिक अनुसंधान के लिए उनके द्वारा प्राप्त राशियों का पृथक् लेखा रखेगा :—
2. यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 30 अप्रैल, तक ऐसे प्रारूप में प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए :
3. यह कि उक्त संस्थान अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुल्य-पत्र की एक-एक प्रति, प्रत्येक 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगी तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति संबंधित आयकर अधिकृत को भेजेगा ।

संस्था

मेडिकल रिसर्च फाउंडेशन, मद्रास

यह अधिसूचना 18/5/1983 से 31/3/1984 तक वर्ष की अवधि के लिए प्रभावी है ।

[सं० 5380/फा० सं० 203/76/83-आ० का० नि० II]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 9th September, 1983

INCOME TAX

S.O. 703.—In continuation of this Office Notification No. 3235 (F. No. 203/27/80-ITA-II) dated 10-4-1980 it is hereby notified for general information that the institution mentioned below has been approved by Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category 'Institution' in the area of other natural and applied sciences subject to the following conditions :—

- (i) That the Medical Research Foundation, Madras will maintain a separate account of the sums received by it for scientific research.

- (ii) That the said institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.

- (iii) That the said institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

INSTITUTION

Medical Research Foundation, Madras.

This notification is effective for a period from 18-5-1983 to 31-3-1984.

[No. 5383/F. No. 203/76/83-ITA-II]

नई दिल्ली, 17 फरवरी, 1984

आय-कर

का० आ० 704 :—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि मन्त्रि, विज्ञान एवं प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम की आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (2क) के प्रयोजनार्थ नीचे विनिर्दिष्ट अर्थ के लिए अनुमोदित किया है :—

वैज्ञानिक अनुसंधान परियोजना शुद्धभूषण आक टेडि राइविन अडिस्टिड टू
का नाम : कोण्ड ब्लाडमेट

प्रायोजक का नाम : मैमर्स इन्स्टीट्यूट लीवर लिमिटेड, बंबई ।
कार्यान्वित करने वाली प्रयोग-

शाला का नाम : कृषि विज्ञान विश्वविद्यालय, बंगलूर ।

प्रारंभ करने की तारीख : 1 नवम्बर, 1983

पूरा करने की तारीख : 30 अक्टूबर, 1986

परियोजना की अवधि : अनुमोदन की तारीख से तीन वर्ष ।

अनुमानित व्यय : 2.30 लाख रु० ।

कृषि विज्ञान विश्वविद्यालय बंगलूर, आयकर अधिनियम की धारा 35(1) (II) के अंतर्गत अनुमोदित है, देखिए, वित्त मंत्रालय की दिनांक 6 अगस्त, 1976 की अधिसूचना सं० 1426 फा० सं० 203/77/76-आ० का० नि०-II ।

[सं० 5641/फा० सं० 203/204/83-आ० का० नि०-II]

New Delhi the 17th February, 1984

INCOME-TAX

S.O. 704 :—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purposes of sub-section (2A) of the Section 35 of the Income-Tax Act 1961 read with Rule 6 of the Income-tax Rules 1962 by the Secretary, Department of Science & Technology New Delhi :—

(1)	(2)
Name of the Scientific research project	Improvement of native rices adapted to cold climate.
Name of the sponsor.	M/s. Hindustan Leaver Limited Bombay.
Name of the Implementing Lab	University of Agricultural Science Bangalore.
Date of commencement	1st November 1983.
Date of completion	30th October 1986.
Duration of the project	3 years from the date of approval.
Estimated outlay	Rs. 2.30 lakhs.

University of Agricultural Science Bangalore is approved under section 35(1)(ii) of the Income-tax Act vido Ministry of Finance Notification No. 1426 (203/77/76-ITA, II) dated 6th August 1976.

[No. 5641/F. No. 203/204/83-ITA, II]

आयकर

का० आ० 705.—इस कार्यालय की दिनांक 17-12-1981 की अधिसूचना सं० 4374 (फा० सं० 203/139/81-आ० का० नि० II) के निम्नलिखित में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संधा को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनों के लिए अन्य प्राकृतिक तथा अनुप्रयुक्त विज्ञानों के क्षेत्र में "संस्था" प्रबर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

1. यह कि सेंटर फार दि स्टडी आफ डिवेलपिंग सोसायटीज, दिल्ली, वैज्ञानिक अनुसंधान के लिए उमके द्वारा प्राप्त राशियों का पृथक् लेखा रखेगा।
2. यह कि उक्त संस्था अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 30 अप्रैल तक ऐसे प्ररूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।
3. यह कि उक्त संस्था अपनी कुल आय तथा व्यय वगैरह द्वारा अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियों, देनदारियां वगैरह द्वारा तुल्य-पत्र की एक-एक प्रति, प्रतिवर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगी तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति संबंधित आयकर, आयुक्त को भेजेगा।

संस्था

सेंटर फार दि स्टडी डिवेलपिंग सोसायटीज, दिल्ली

यह अधिसूचना 1-4-1983 से 31-3-1986 तक की अवधि के लिए प्रभावी है।

[सं 5644/फा० सं० 203/255/83-आ० का० नि० II]

INCOME TAX

S.O. 705.—In continuation of this Office Notification No. 4374 (F. No. 203/139/81-ITA-II) dated 17-12-1981, it is hereby notified for general information that the institution mentioned below has been approved by Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962

under the category 'Institution' in the area of other natural and applied sciences subject to the following conditions:—

- (i) That the Centre for the Study of Developing Societies, Delhi will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.
- (iii) That the said institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

INSTITUTION

Centre for the study of Developing Societies, Delhi.

This notification is effective for a period from 1-4-1983 to 31-3-1986.

[No. 5644/F. No. 203/255/83-ITA-II]

आय-कर

का० आ० 706.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि सचिव, विज्ञान एवं प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम को, आयकर नियम, 1962 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (2क) के प्रयोजनार्थ नीचे विनिर्दिष्ट अवधि के लिए अनुमोदित किया है :—
अनुसंधान परियोजना का नीयक : प्रावृक्षन एंड प्यूरिफिकेशन आफ ह्यूमन मेनोपाजल गोनाडोट्रोपिन

प्रायोजक का नाम : मेसर्स यूनि सान्क्यो लिमिटेड, हैदराबाद,।
कार्यान्वित करने वाली प्रयोगशाला: भारतीय विज्ञान संस्थान, बंगलौर।
अवधि : 1-10-1982 से 18 महीने
अनुमानित व्यय : 97,000/- रु० (केवल सताने हजार रुपये)]

2. भारतीय विज्ञान संस्थान, बंगलौर, आयकर अधिनियम, 1922 की धारा 10(2) (Xiii) के अंतर्गत अनुमोदित है।

[सं० 5642/फा० सं० 203/203/83-आ० का० नि०-II]

सदन गौगल अरु गौगल, अवर सचिव

INCOME-TAX

S.O. 706.—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purposes of sub-section (2A) of the section 35 of the Income-tax Act 1961 read with Rule 6 of the Income-tax Rules 1962 by the Secretary Department of Science & Technology New Delhi :—

(1)	(2)
Title of the research project.	Prooduction & Purification of human Menopausal Gonadotropin
Name of the sponsorer.	M/s. Uni Sankyo Limited Hyderabad.
Implementing Lab.	Indian Instt. of Science Bangalore.
Duration.	18 months w.e.f. 1-10-1982.
Estimated outlay	Rs. 97 000/- (Ninety Seven thousand only).

2. Indian Institute of Science Bangalore is approved u/s. 10(2) (xiii) of the Income-tax. Act, 1922.

[No. 5642/F. No. 203/203/83/ITA-II]

M. G. C. GOYAL, Under Secy.

(राजस्व विभाग)

नई दिल्ली, 16 फरवरी, 1984

आयकर

का० भा० 707.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, "श्री दत्ता संस्थान बाले-कुंडरा, जिला बेलगाम" को उक्त धारा के प्रयोजनार्थ कर-निर्धारण वर्ष 1983-84 से 1985-86 तक के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं० 56330/का० सं० 197/174/83-आ० क० (नि० 1)]

(Department of Revenue)

New Delhi, the 16th February, 1984

(INCOME TAX)

S.O. 707.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Datta Sansthan Balekundri, Distt. Belgaum" for the purpose of the said section for the period covered by the assessment years 1983-84 to 1985-86.

[No. 5630/F. No. 197/174/83-IT(AI)]

आयकर

का० भा० 708.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "श्री एस० आर० बी० बाएस० चौल्ट्री, पेड्डापुलम" को उक्त धारा के प्रयोजनार्थ कर-निर्धारण वर्ष 1983-84 से 1984-85 तक के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं० 5633/का० सं० 197/177/81-आ० क० (नि०-1)]

(INCOME TAX)

S.O. 708.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri S.R.V.B.S. Choultry, Peddapuram" for the purpose of the said section for the period covered by the assessment years 1983-84 to 1984-85.

[No. 5633/F. No. 197/177/81-IT(AI)]

आयकर

का० भा० 709.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा उक्त खण्ड के प्रयोजनार्थ, 'महाराजा काशीराज धर्मकार्य निधि' को कर निर्धारण वर्ष 1982-83 से 1984-85 तक के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं० 5631/का० सं० 197/39/81-आ० क० (नि०-1)]

(INCOME TAX)

S.O. 709.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Maharaja Kashiraj Dharmakarya Nidhi" for the purpose of the said section for the period covered by the assessment years 1982-83 to 1984-85.

[N. 5631/F. No. 197/39/81-IT(AI)]

आयकर

का० भा० 710.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "फ्रान्सिसकन मिशनरी आफ मेरी, सोसाइटी नं० 14, नाजरथ कांवेण्ट, ऊटकमण्ड, नीलगिरी" को उक्त

धारा के प्रयोजनार्थ कर-निर्धारण वर्ष 1981-82 से 1984-85 तक के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं० 5632/का० सं० 197/170/82-आ० क० (नि०-1)]

(INCOME TAX)

S.O. 710.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Franciscan Missionaries of Mary, Society No. 14, Nazareth Convent, Ootacamund, Nilgiris" for the purpose of the said section for the period covered by the assessment years 1981-82 to 1984-85.

[No. 5632/F. No. 197/174/83-IT(AI)]

आयकर

का० भा० 711.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 उपधारा (23ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, उक्त खण्ड के प्रयोजनार्थ, "स्वर्गाश्रम ट्रस्ट, रशिकेश" को कर निर्धारण वर्ष 1984-85 से 1986-87 तक के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं० 5639/का० सं० 197/209/83-आ० क० (नि०-1)]

(INCOME TAX)

S.O. 711.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Swargashram Trust, Rshikesh" for the purpose of the said section for the period covered by the assessment years 1984-85 to 1986-87.

[No. 5639/F. No. 197/209/83-IT(AI)]

आयकर

का० भा० 712.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, उक्त खण्ड के प्रयोजनार्थ, "सर विठ्ठलदास दामोदर ठाकरसे चैरिटेबल ट्रस्ट" को कर निर्धारण-वर्ष 1984-85 से 1986-87 तक के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं० 5637/का० सं० 197/75/83-आ० क० (नि०-1)]

INCOME-TAX

S.O. 712.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sir Vitthaladas Damodar Thackersey Charitable Trust" for the purpose of the said section for the period covered by the assessment years 1984-85 to 1986-87.

[No. 5637/F. No. 197/75/83-IT(AI)]

आयकर

का० भा० 713.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, उक्त खण्ड के प्रयोजनार्थ, "फ्रान्सिसकन कपलीखर टैम्पल, मन्नास" को कर निर्धारण वर्ष 1982-83 से 1984-85 तक के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं० 5634/का० सं० 197/231/83-आ० क० (नि०-1)]

(INCOME TAX)

S.O. 713.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby

notifies "Arulmigu Kapaleswarar Temple, Madras" for the purpose of the said section for the period covered by the assessment years 1982-83 to 1984-85.

[No. 5634/F. No. 197/231/83-IT(AI)]

आयकर

का० भा० 714.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (5) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, "भारतीय विद्या भवन, बम्बई" को उक्त धारा के प्रयोजनार्थ कर-निर्धारण वर्ष 1985-86 के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[संख्या 5629/का० सं० 197/क/179/82-भा० क० (नि-1)]

INCOME-TAX

S.O. 714.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Bhartiya Vidya Bhavan, Bombay" for the purpose of the said section for the period covered by the assessment year 1985-86.

[No. 5629/F. No. 197-A/179/82-IT(AI)]

नई दिल्ली, 20 फरवरी, 1984

आयकर

का० भा० 715.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (5) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, उक्त खण्ड के प्रयोजनार्थ, "मुन्नीराम रामकुमार बांगुर चैरिटेबल ट्रस्ट, कलकत्ता" को कर-निर्धारण वर्ष 1982-83 से 1984-85 के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं० 5657/का० सं० 197/123/80-आ० क० (नि० 1)]

New Delhi, the 20th February, 1984

INCOME-TAX

S.O. 715.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Mugneeram Ramcoowar Bangur Charitable Trust, Calcutta" for the purpose of the said section for the period covered by the assessment years 1982-83 to 1984-85.

[No. 5657/F. No. 197/123/80-IT(AI)]

आयकर

का० भा० 716.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (5) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "श्री मधु सुन्दरेश्वरस्वामी कोइल, तमिलनाडु" को कर निर्धारण वर्ष 1982-83 से 1984-85 तक के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं० 5656/का० सं० 197/85/82-आ० क० (नि० 1)]

INCOME-TAX

S.O. 716.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Madu Sundareswaraswamy Koil, Tamil Nadu" for the purpose of the said section for the period covered by the assessment years 1982-83 to 1984-85.

[No. 5656/F. No. 197/86/82-IT(AI)]

आयकर

का० भा० 717.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23) के खण्ड (5) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, उक्त खण्ड के प्रयोजनार्थ, "सुबेता अलायंस मिनिस्ट्रीज ट्रस्ट, महाराष्ट्र" को कर-निर्धारण वर्ष 1983-84 से 1984-85 तक के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं० 5654/का० सं० 197/109/83-भा० क० (नि०-1)]

INCOME-TAX

S.O. 717.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Suvarta Alliance Ministries Trust, Maharashtra" for the purpose of the said section for the period covered by the assessment years 1983-84 and 1984-85.

[No. 5654/F. No. 197/109/83-IT(AI)]

आयकर

का० भा० 718.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (5) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, उक्त खण्ड के प्रयोजनार्थ, "सोसाइटी ऑफ सेंट जोसेफ, कालेज, तिरुचिरापल्ली" को कर-निर्धारण वर्ष 1982-83 से 1984-85 तक के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं० 5655/का० सं० 197/71/82-भा० क० (नि०-1)]

INCOME-TAX

S.O. 718.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Society of St. Josephs College, Tiruchirapalli" for the purpose of the said section for the period covered by the assessment years 1982-83 to 1984-85.

[No. 5655/F. No. 197/71/82-IT(AI)]

आयकर

का० भा० 719.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (5) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, उक्त खण्ड के प्रयोजनार्थ, "श्री चित्रपुर मठ, कर्नाटक" को कर निर्धारण वर्ष 1984-85 तथा 1985-86 के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं० 5658/का० सं० 197/72/83-भा० क० (नि०-1)]

भार० क० तिथारी, अवर सचिव

INCOME-TAX

S.O. 719.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Chitrapur Math, Karnataka" for the purpose of the said section for the period covered by the assessment years 1984-85 and 1985-86.

[No. 5658/F. No. 197/72/83-IT(AI)]

R. K. TEWARI, Under Secy.

नई दिल्ली, 17 फरवरी, 1984

आयकर

का० भा० 720.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में और भारत सरकार के राजस्व विभाग की दिनांक 12-2-81 की अधिसूचना संख्या 3842 (का० सं० 398/4/81-आ० क० सं० क०) का अधिलक्षण करते हुए, श्री जी० भार० काला को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अंतर्गत दिनांक 31-5-82 से आगे तक कर धसूली अधिकारी की शक्तियों का प्रयोग करने के लिए केन्द्रीय सरकार की कार्योत्तर प्राधिकृत सूचित किया जाता है।

[सं० 5647/का० सं० 398/9/83-भा० क० सं०]

New Delhi, the 17th February, 1984

INCOME-TAX

S.O. 720.—In pursuance of subclause (iii) of clause (44) of section 2 of the Income-tax Act, 1961, (43 of 1961), and in supersession of Notification of the Government of India in the Department of Revenue No. 3842 (F. No. 398/4/81-ITCC) dated 12-2-81 ex post facto authorisation of the Central Government is hereby conveyed to Shri G. R. Kalla, being a gazetted officer of the Central Government, to the exercise of the powers of a Tax Recovery Officer under the said Act from 31-5-82 onwards.

[No. 5647/F. No. 398/9/83-ITB]

आयकर

का० प्रा० 721.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में भारत सरकार के राजस्व विभाग की दिनांक 15/5/80 की अधिसूचना संख्या 3323 (फा० सं० 398/2/80-आ० क० सं० क०) का अधिलेखन करते हुए, श्री बिशन दास को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अन्तर्गत सितम्बर 1982 से जून 1983 तक कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए केन्द्रीय सरकार की कार्यालय प्राधिकृत सूचित किया जाता है।

[संख्या 5615/फा० सं० 398/9/83-आ० क० सं० क०]

INCOME-TAX

S.O. 721.—In pursuance of sub-clause (iii) of clause (44) of section 2 of the Income-tax Act, 1961, (43 of 1961), and in supersession of Notification of the Government of India in the Department of Revenue No. 3323 (F. No. 398/2/80-ITCC) dated 15-5-80 ex post facto authorisation of the Central Government is hereby conveyed to Shri Vishan Dass, being a gazetted officer of the Central Government, to the exercise of the powers of a Tax Recovery Officer under the said Act from September 82 to June, 1983.

[No. 5645/F. No. 398/9/83-ITB]

नई दिल्ली, 18 फरवरी, 1984

आयकर

का० प्रा० 722.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में भारत सरकार के राजस्व विभाग की दिनांक 17-2-84 की अधिसूचना संख्या 5645 (फा० सं० 398/9/83 आ० क० सं० क०) का अधिलेखन करते हुए, श्री धरम सिंह को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अन्तर्गत जून 1983 से मार्च तक कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए केन्द्रीय सरकार की कार्यालय प्राधिकृत सूचित किया जाता है।

[संख्या 5649/फा० सं० 398/9/83-आ० क० सं० क०]

बी०ई० अलेक्जेंडर, भ्रवर सचिव

New Delhi, the 18th February, 1984

INCOME-TAX

S.O. 722.—In pursuance of sub-clause (iii) of clause (44) of section 2 of the Income-tax Act, 1961, (43 of 1961), and in supersession of Notification of the Government of India in the Department of Revenue No. 5645 (F. No. 398/9/83-ITB) dated 17-2-84 ex post facto authorisation of the Central Government is hereby conveyed to Shri Dharam Singh, being a gazetted officer of the Central Government, to the exercise of the powers of a Tax Recovery Officer under the said Act from June, 1983 onwards.

[No. 5649/F. No. 398/9/83-ITB]

B. E. ALEXANDER, Under Secy.

आदेश

नई दिल्ली, 21 फरवरी, 1984

स्टाम्प

का० प्रा० 723.—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (i) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा जनरल इण्डस्ट्रियल सोसाइटी लिमिटेड कलकत्ता का केवल तीन लाख रु० के समेकित स्टाम्प शुल्क की भुगतानी करने की अनुमति देती है, जो उक्त कंपनी द्वारा बंध पत्रों के रूप में जारी किये जाने वाले (सौ-सौ रुपये के 4,00,000, 13.5% - सम्पत्तिवर्तीय प्रतिभूत ऋणपत्रों) केवल 4 करोड़ रुपये के अधिकृत मूल्य के ऋणपत्रों पर प्रभावी है।

[सं० 14/84 स्टाम्प फा० सं० 33/7/84]

ORDER

New Delhi, the 21st February, 1984

STAMPS

S.O. 723.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the General Industrial Society Ltd., Calcutta, to pay consolidated stamp duty of rupees three lakhs only chargeable on account of the stamp duty on bonds in the form of debentures of the face value of rupees four crores only (4,00,000 13.5 per cent convertible secured debentures of Rs. 100 each) to be issued by the said Company.

[No. 14/84-Stamp-F. No. 33/7/84]

आदेश

नई दिल्ली, 24 फरवरी, 1984

स्टाम्प

का० प्रा० 724.—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा (9) की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा मैसर्स वोल्तास लिमिटेड बम्बई की मात्र नौ लाख रुपये के उप समेकित स्टाम्प शुल्क की भुगतानी करने की अनुमति देती है जो उक्त वोल्तास लिमिटेड, बम्बई द्वारा बारह करोड़ रुपये के कुल अधिकृत मूल्य के असम्पत्तिवर्तीय तथा सम्पत्तिवर्तीय ऋण पत्रों में जारी किये जाने वाले बॉण्डों पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं० 16/84-स्टाम्प फा० सं० 33/11/84 वि० क०]

भगवान दास, भ्रवर सचिव,

ORDER

New Delhi, the 24th February, 1984

STAMPS

S.O. 724.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Voltas Limited, Bombay to pay consolidated stamp duty of nine lakhs rupees only chargeable on account of the stamp duty on bonds in the form of non-convertible and convertible debentures of the total face value of twelve crores of rupees to be issued by the said Voltas Limited, Bombay.

[No. 16/84-Stamp F. No. 33/11/84-ST]

BHAGWAN DAS, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 22 फरवरी, 1984

का० प्रा० 725.—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 6 की उपधारा (i) के खण्ड (ख) के अनुसरण में केन्द्रीय सरकार भारतीय रिजर्व बैंक के परामर्श से एतद्वारा

डा० कमला चौधरी, 2 ए/33-पृथ्वीराज रोड, नई दिल्ली-110011 को 22 फरवरी, 1984 से प्रारम्भ होकर 21 फरवरी, 1987 को समाप्त होने वाली 3 वर्ष की अवधि के लिए राष्ट्रीय कृषि और ग्रामीण विकास बैंक का निवेशक नियुक्त करती है।

[सं० एफ० 7/1/84 बी० प्रो०]

ज० बा० मीरचन्दानी, उच्च सचिव

(Department of Economic Affairs,
(Banking Division))

New Delhi, the 22nd February, 1984

S.O. 725.—In pursuance of clause (b) of sub-section (1) of section 6 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government, in consultation with the Reserve Bank of India, hereby appoints Dr. Kamla Chowdhry, 2A/33-Prithviraj Road, New Delhi-110011 as a Director of the Board of the National Bank for Agriculture and Rural Development for a period of three years commencing on February 22, 1984 and ending with February 21, 1987.

[No. F. 7/1/84-B.O.]

C. W. MIRCHANDANI, Dy. Secy.

सीमा शुल्क समाहर्ता का कार्यालय, कर्नाटक क्षेत्र

बंगलूर, 1 फरवरी, 1984

अधिसूचना संख्या 2/84

सीमा शुल्क

का० आ० 726.—सीमा शुल्क अधिनियम 1962 की धारा 2 की उपधारा 34 के अंतर्गत सूते प्रदत्त शक्तियों का प्रयोग करते हुए मैं, एतद्वारा अधिसूचना संख्या 1/82 (सीमाशुल्क) दिनांक 12-11-82 को अधिप्रमाण करने हुए, बंगलूर के मुख्यालय के सीमा शुल्क के सहायक समाहर्ता (काफेपोमा) को सीमा शुल्क के सहायक समाहर्ता (विधि) के रूप में कार्य करने एवं सीमा शुल्क अधिनियम, 1962 की धारा 129 ए(2), 129 सी (4) के साथ पठित प्रावधानों के अंतर्गत उचित अधिकारी के रूप में काम करने कि शक्ति का प्रदान करता हूँ।

[सी० नं० V/III 28/53/83 (अपील्स)]

सी० के० गोपालकृष्णन, समाहर्ता सीमा-शुल्क

OFFICE OF THE COLLECTOR OF CUSTOMS, KARNA-
TAKA REGION

Bangalore, the 1st February, 1984

NOTIFICATION NO. 2/84

CUSTOMS

S.O. 726.—In exercise of the powers conferred on me under sub-section 34 of Section 2 of the Customs Act, 1962, I hereby authorise the Assistant Collector of Customs (COFFPOSA) Hqrs. Office, Bangalore, to function as Assistant Collector of Customs (Legal) and be the proper office under the provisions of the Sections 129A(2) read with 129D(4) of the Customs Act, 1962, in supersession of the Notification No. 1/82 (Customs) dated 12th November, 1982

[C. No. VIII/28/53/83 (Appeals)]

C. K. GOPALAKRISHNAN, Collector of Customs

समाहर्तालय केन्द्रीय उत्पाद शुल्क : मध्य प्रदेश

इन्दौर, 7 फरवरी, 1984

अधिसूचना सं० 18/83]

का० आ० 727.—श्री एम० सी० श्रीवास्तव, अधीक्षक, केन्द्रीय उत्पाद शुल्क समूह 'ख' के नियर्तन की प्राप्ति करने पर दिनांक 31-12-83 के अफगान को शासकीय सेवा से निवृत्त हुये।

[का० सं० II(3)9-नोप/83]

CENTRAL EXCISE COLLECTORATE, M.P.

Indore, the 7th February, 1984

NOTIFICATION NO. 18/83

S.O. 727.—Shri S. C. Shrivastava, Superintendent, Central Excise, Group 'B' having attained the age of Superannuation

retired from Govt. service on the afternoon of Thirty first December, 1983.

[C. No. II(3)9-Con/83/623]

अधिसूचना सं० 1/84

का० आ० 728.—मध्य प्रदेश समाहर्तालय, इन्दौर के श्री आर० एन० सन्तानी, प्रणामनिक अधिकारी, केन्द्रीय उत्पाद शुल्क, समूह 'ख' निवृत्तन की आयु प्राप्त करने पर दिनांक 31 जनवरी, 1984 के अफगान को शासकीय सेवा से निवृत्त हुये।

[का० सं० II(3)4-नोप/84]

एम० के० धर उपा समाहर्ता

NOTIFICATION NO. 1/84

S.O. 728.—Shri R. N. Santani, Administrative Officer, Central Excise, Group 'B' of M.P. Collectorate, Indore, having attained the age of superannuation retired from Government service in the after-noon of 31st January, 1984.

[C. No. II(3)4-Con/84/598]

S. K. DHAR, Collector

वाणिज्य मंत्रालय

आदेश

नई दिल्ली, 17 फरवरी, 1984

का० आ० 723.—भारत के निर्यात व्यापार के विकास के लिए स्विच गियर तथा नियंत्रण गियर को निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन लाने के लिए कठिपय प्रस्ताव, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षानुसार भारत सरकार के वाणिज्य मंत्रालय के आदेश सं० का० आ० 3363 तारीख 18 अगस्त, 1983 के अधीन भारत के राजपत्र, भाग-2, खंड-3, उपखंड-(ii) तारीख 27 अगस्त, 1983 में प्रकाशित किए गए थे,

और उक्त, आदेश, के राजपत्र में प्रकाशित होने के 45 दिन के भीतर उन सभी व्यक्तियों से आशेष और सुझाव मांगे गए थे, जिनके उनसे प्रभावित होने की संभावना थी।

और उक्त, राजपत्र की प्रतियां जनता को 23 मितम्बर, 1983 को उपलब्ध करा दी गयी थी;

और केन्द्रीय सरकार ने उक्त प्रारूप प्रस्तावों पर जनता से प्राप्त आशेषों और सुझावों पर विचार कर लिया है;

अतः अब केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तथा निर्यात निरीक्षण परिषद् से परामर्श करने के पश्चात् अपनी यह राय होने पर कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक और समीचीन है :—

- (1) अधिसूचित करती है कि स्विच गियर तथा नियंत्रण गियर निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे;
- (2) स्विच गियर तथा नियंत्रण गियर निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1984 के अनुसार क्वालिटी नियंत्रण और निरीक्षण के प्रकार को क्वालिटी नियंत्रण और निरीक्षण के ऐसे प्रकार के रूप में विनिर्दिष्ट करती है जो निर्यात से पूर्व ऐसे स्विच गियर तथा नियंत्रण गियर को लागू होगा;
- (3) (क) राष्ट्रीय तथा अंतर्राष्ट्रीय मानकों को;
- (ख) निर्यात निरीक्षण परिषद् द्वारा मान्यता प्राप्त अन्य निकायों के मानकों को; और

(ग) परेपण के लिए, संविदात्मक विनिर्देशों को, जिनके लिए अनिवार्य क्वालिटी नियंत्रण और निरीक्षण के आरम्भ से तुरन्त पूर्व विनिर्माताओं और/या निर्यातकर्ताओं द्वारा मांग आदेश (आर्डर) प्राप्त कर लिए गए हैं और उसके पश्चात् अनिवार्य क्वालिटी नियंत्रण और निरीक्षण आरम्भ होने की तारीख से 60 दिनों तक के लिए मान्यता देनी है।

(4) अन्तर्राष्ट्रीय व्यापार के दौरान ऐसे स्विच गियर तथा नियंत्रण गियर के निर्यात को तब तक प्रतिषिद्ध करनी है जब तक कि उसके साथ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का-22) की धारा 7 के अधीन केन्द्रीय सरकार द्वारा स्थापित किसी अधिकरण द्वारा जारी किया गया इस आशय का प्रमाण-पत्र न हो कि स्विच गियर तथा नियंत्रण गियर उक्त मानक विनिर्देशों के अनुरूप है तथा निर्यात योग्य है, या उन पर उक्त अधिनियम की धारा 8 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त सील या चिह्न लगा हुआ है।

2. इस आदेश की कोई भी बात :—

(क) भारी क्रेताओं को भू-मार्ग, जन मार्ग या वायु मार्ग द्वारा स्विच गियर तथा नियंत्रण गियर के द्वास्तविक नमूनों के निर्यात को लागू नहीं होगी।

(ख) उन परेपणों को लागू नहीं होगी जो अनिवार्य क्वालिटी नियंत्रण तथा निरीक्षण के आरम्भ होने से तुरन्त पूर्व ही निर्यातकर्ता/विनिर्माताओं के परिस्तर से भेजे जा चुके हैं।

3. इस आदेश में स्विच गियर तथा नियंत्रण गियर से नीचे दी गयी अनुसूची में वर्णित कोई स्विच गियर तथा नियंत्रण गियर या उनका समुच्चय अभिप्रेत है :—

अनुसूची

क्रम सं० स्विच गियर तथा नियंत्रण गियर

1. सर्किट ब्रेकर
2. एयर ब्रेक, कोल, नियंत्रण और अधिग स्विच
3. मोटर स्टार्टर
4. बम नमिकाओं सहित अन्तः मेलक बम छंटे
5. मेलक (कान्ट्रैक्टर)
6. फ्यूज, फ्यूज बोर्ड और कट-आउट
7. वितरण पिलर
8. बिजली से चलने वाले गेट के अन्त के डिब्बे
9. वियोजक (आइसोलेटर)
10. विद्युत शक्ति मेलक

नयी दिल्ली, 17 फरवरी, 1984

का० आ० 730.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 की उपधारा (2) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ :—(1) इन नियमों का संक्षिप्त नाम स्विच गियर तथा नियंत्रण गियर निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1984 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं :—इन नियमों में जब तक कि संदर्भ से अर्थया अपेक्षित न हो :—

(क) “अधिनियम” से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है;

(ख) “अधिकरण” से अधिनियम की धारा 7 के अधीन बम्बई कलकत्ता, कोचीन, दिल्ली और मद्रास में स्थापित निर्यात निरीक्षण अधिकरणों में से कोई एक अधिकरण अभिप्रेत है;

(ग) “परिषद्” से अधिनियम की धारा 3 के अधीन नियमित निरीक्षण परिषद् अभिप्रेत है;

(घ) “स्विच गियर तथा नियंत्रण गियर” से नीचे दी गयी सारणी में वर्णित स्विच गियर तथा नियंत्रण गियर या उनके समुच्चय अभिप्रेत है :—

सारणी

क्रम सं० स्विच गियर तथा नियंत्रण गियर

1. सर्किट ब्रेकर
2. एयर ब्रेक, कोल, नियंत्रण और अधिग स्विच
3. मोटर स्टार्टर
4. बम नमिकाओं सहित अन्तः मेलक बम छंटे
5. मेलक (कान्ट्रैक्टर)
6. फ्यूज, फ्यूज बोर्ड और कट-आउट
7. वितरण पिलर
8. बिजली से चलने वाले गेट के अन्त के डिब्बे
9. वियोजक (इन्सुलेटर)
10. विद्युत शक्ति मेलक।

3. निरीक्षण का आधार :—निर्यात के लिए स्विच गियरों तथा नियंत्रण गियरों का निरीक्षण यह देखने की दृष्टि से किया जाएगा कि स्विच गियर और नियंत्रण गियर अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यताप्राप्त मानक विनिर्देशों, अर्थात् राष्ट्रीय और अन्तर्राष्ट्रीय मानकों तथा निर्यात निरीक्षण परिषद् द्वारा मान्यता प्राप्त अन्य निकायों के मानकों के अनुरूप है यह सुनिश्चित करते हुए कि उत्पाद इस अधिसूचना के उपाबंध में विनिर्दिष्ट उत्पादन के दौरान आवश्यक क्वालिटी नियंत्रण का प्रयोग करके विनिर्मित किए गए हैं।

4. निरीक्षण की प्रक्रिया :—(1) परिषद् द्वारा इस प्रयोजन के लिए गठित विशेषणों के पैनल कि स्विच गियर तथा नियंत्रण गियर के विनिर्माण एकक में यह विनिर्माण किए जाने के पश्चात् उपाबंध में अधिकथित उत्पादन के दौरान क्वालिटी नियंत्रण दृष्टियों की पर्याप्त व्यवस्था है, स्विच गियर तथा नियंत्रण गियर के परेपण का निर्यात करने का हस्तक्षेप निर्यातकर्ता या विनिर्माता संविदात्मक विनिर्देशों का ध्येय रहे हुए, अधिकरण को लिखित रूप में सूचना देगा और सूचना के साथ यह घोषणा भी देगा कि निर्यात के लिए आशयित स्विच गियर तथा नियंत्रण गियर का परेपण उपाबंध में अधिकथित क्वालिटी नियंत्रण का प्रयोग करने हुए विनिर्मित किया गया है, तथा परेपण इस प्रयोजन के लिए मान्यता प्राप्त मानक विनिर्देशों के अनुरूप है।

(2) निर्यातकर्ता निर्यात किए जाने वाले परेपण पर लगाए गए पहचान चिह्न भी अधिकरण को देगा।

(3) उपनियम (1) के अधीन प्रत्येक सूचना विनिर्माता के परिस्तर से परेपण के भेजे जाने से कम से कम तीन दिन पूर्व दी जाएगी।

(4) (क) उपनियम (1) के अधीन धोषणा प्राप्त होने पर अधिकरण, अपना यह समाधान कर लेने पर कि विनिर्माण की प्रक्रिया के दौरान विनिर्माता ने उपाबंध में अधिकथित पर्याप्त क्वालिटी नियंत्रण का प्रयोग किया है तथा इस प्रयोजन के लिए मान्यताप्राप्त मानक विनिर्देशों के अनुरूप उत्पादन का विनिर्माण करने के लिए इस संबंध में परिषद् और/या अधिकरण द्वारा जारी किए अनुदेशों को, यदि कोई हों, पालन किया गया है तो तीन दिन के भीतर यह घोषित करते हुए प्रमाण-पत्र जारी करेगा कि स्विच गियर तथा नियंत्रण गियर का परेपण निर्यात योग्य है।

(ख) उस वक्ता में जहाँ विनिर्माता निर्यातकर्ता नहीं है वहाँ परेषण का प्रत्यक्ष सत्यापन किया जाएगा और अभिकरण द्वारा ऐसा सत्यापन और/या निरीक्षण, यदि आवश्यक हो तो, यह सुनिश्चित करने के लिए किया जाएगा कि वे उपरोक्त शर्तों के अनुरूप हैं।

(5) अभिकरण निर्यात के लिए आशयित कुछ परेषणों की स्थल पर ही जांच करेगा तथा उत्पादन के दौरान विनिर्माण एकक द्वारा अपनाए गए क्वालिटी नियंत्रण प्रणालियों की पर्याप्तता के अनुसरण का सत्यापन करने के लिए नियमित अंतरालों पर एककों में जाएगा। यदि विनिर्माण एकक में विनिर्माण के किसी भी प्रक्रम पर अपेक्षित क्वालिटी नियंत्रण उपायों का प्रयोग नहीं किया गया है या परिषद्/अभिकरण की सिफारिशों को पूरा नहीं किया गया है तो यह धोखित किया जाएगा कि एकक के पास उत्पादन के दौरान पर्याप्त क्वालिटी नियंत्रण प्रणाली नहीं हैं और ऐसे मामलों में, एकक, यदि चाहे तो उत्पादन के दौरान क्वालिटी नियंत्रण प्रणाली की पर्याप्तता को बनाए रखने के समायोजन के लिए फिर से आशेदन कर सकता है।

परन्तु जहाँ अभिकरण का ऐसा समाधान नहीं होता है वहाँ वह निर्यातकर्ता को ऐसा प्रमाण-पत्र जारी करने से इंकार कर देगा कि स्विच गियर और नियंत्रण गियर का परेषण निर्यात योग्य है तथा ऐसे इंकार को सूचना निर्यातकर्ता को उसके कारणों सहित सात दिन के भीतर देगा।

5. निरीक्षण का स्थान :—इन नियमों के अधीन प्रत्येक निरीक्षण (क) ऐसे उत्पादों के विनिर्माता के परिसरों पर, या (ख) ऐसे परिसरों पर जहाँ निर्यातकर्ता ने माल प्रस्तुत किया है परन्तु तब जब कि वहाँ निरीक्षण के लिए पर्याप्त सुविधाएँ विद्यमान हों, किया जाएगा।

6. निरीक्षण फीस :—निरीक्षण फीस का संदाय यथास्थिति विनिर्माता/निर्यातकर्ता द्वारा अभिकरण को प्रति परेषण न्यूनतम 20/- रुपये के अधीन रहते हुए, पोत पर्यन्त निःशुल्क मूल्य के 0.2% की दर से किया जाएगा।

(2) उन एककों द्वारा विनिर्मित वस्तुओं के निर्यात के लिए जिनके पास उत्पादन के दौरान पर्याप्त क्वालिटी नियंत्रण स्तर हैं तथा मर्र्चेंट नर्यातकर्ताओं द्वारा निर्यात की गयी वस्तुओं के लिए फीस प्रति परेषण न्यूनतम 20/- रुपये के अधीन रहते हुए, पोत पर्यन्त निःशुल्क मूल्य के 0.3% की दर से दी जाएगी।

(3) संबंधित राज्य सरकार और संघ राज्य क्षेत्र में राजिस्ट्रीकृत मनु उद्योग एककों को (1) और (2) में विनिर्दिष्ट निरीक्षण फीस की दर में 10 प्रतिशत की छूट दी जाएगी।

7. मान्यता प्राप्त चिह्न लगाना तथा उसकी प्रक्रिया :—भारतीय मानक संस्थान (प्रमाणपत्र चिह्न) अधिनियम, 1952 (1952 का 36) भारतीय मानक संस्थान (प्रमाणन चिह्न) नियम, 1955 और भारतीय मानक संस्थान (प्रमाणन चिह्न) विनियम, 1955 के उपबन्ध निर्यात से पूर्व स्विच गियर तथा नियंत्रण गियर पर मुद्रा या मान्यता प्राप्त चिह्न लगाने की प्रक्रिया के संबंध में जहाँ तक हो सके लागू होंगे तथा इस प्रकार चिह्नित स्विच गियर तथा नियंत्रण गियर का नियम 3 के अधीन कोई भी निरीक्षण नहीं किया जाएगा।

8. अपील :—(1) नियम 4 के उपनियम (4) के अधीन प्रमाण-पत्र देने से इंकार किए जाने से व्यक्ति कोई व्यक्ति ऐसे इंकार का सूचना प्राप्त होने के दस दिन के भीतर केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए नियुक्त ऐसे विशेषज्ञों के पैनल को अपील कर सकता जिनमें कम से कम तीन तथा अधिक से अधिक सात व्यक्ति होंगे।

(2) पैनल के विशेषज्ञों की कुल सदस्यता के कम से कम दो तिहाई सदस्य गैर-सरकारी होंगे।

(3) पैनल की गणपूर्ति तीन सदस्यों से होंगे।

(4) अपील प्राप्त होने के पंद्रह दिन के भीतर निपटाई जाएगी।

उपबन्ध

(नियम 3 और 4 देखें)

स्विच गियर तथा नियंत्रण गियर के क्वालिटी नियंत्रण का विनिर्माता इससे उपाय : अनुसूची में उपर्युक्त नियंत्रण के स्तरों के साथ अधिकृत उत्पादन के विनिर्माण, पैकिंग तथा परिरक्षण के विभिन्न प्रक्रमों पर निम्न-लिखित नियंत्रणों को प्रभावित करते हुए प्रयोग करेगा।

1. क्रय की गयी सामग्री तथा सप्लायर्स का नियंत्रण :—

(क) विनिर्माता प्रयुक्त किए जाने वाली सामग्री या सप्लायर्स को विशेषता तथा सहायताओं सहित बिस्मृत विमाओं को समाविष्ट करते हुए क्रय विनिर्देश अधिकृत करेगा।

(ख) स्वीकृत परेषणों के साथ या तो क्रय विनिर्देशों की अपेक्षाओं की संपुष्टि करते हुए उत्पाद का परीक्षण प्रमाण-पत्र होगा या ऐसे परीक्षण प्रमाण-पत्र के न होने पर, क्रय विनिर्देशों से इसकी अनुरूपता की जांच करने के लिए प्रत्येक परेषण में से नमूनों की नियमित जांच की जायेगी उत्पाद के परीक्षण प्रमाण-पत्र की शुद्धता सत्यापित करने के लिए पांच परेषणों में से कम से कम एक की पुनः जांच की जाएगी।

(ग) आने वाले परेषणों का निरीक्षण और परीक्षण, साक्षिकों मजूता रेखांक के अनुसार क्रय विनिर्देशों से अनुरूपता सुनिश्चित करने के लिए किया जाएगा।

(घ) निरीक्षण और परीक्षण के पश्चात् सृष्टियों के निपटान तथा पुनर्करण के लिए व्यवस्थित पद्धतियाँ अपनाई जाएगी।

(ङ) उपरोक्त नियंत्रणों के संबंध में पर्याप्त अभिलेख व्यवस्थित रूप से रखे जाएंगे।

2. प्रक्रिया नियंत्रण : (क) विनिर्माता विनिर्माण की विभिन्न प्रक्रियाओं के ब्योचवार, प्रक्रिया विनिर्देश अधिकृत करेगा।

(ख) प्रक्रिया विनिर्देश में अधिकृत प्रक्रियाओं को नियंत्रित करने के लिए उपकरण या उपकरणों की पर्याप्त सुविधाएँ होंगी।

(ग) प्रसंस्कृत सामग्री की प्रक्रिया विनिर्देशों के साथ अनुरूपता की जांच के लिए नमूना (जहाँ कहीं अपेक्षित हो) अभिलेखित अन्वेषण पर आधारित होगा।

(घ) विनिर्माण की प्रक्रिया के दौरान प्रयुक्त नियंत्रणों का सत्यापन करने के लिए पर्याप्त अभिलेख रखे जाएंगे।

3. उत्पाद नियंत्रण :—(क) मानक विनिर्देशों के अनुसार उत्पाद का परीक्षण करने के लिए विनिर्माता के पास या तो अपनी परीक्षण सुविधाएँ होंगी या उसकी पड़ोस वहाँ तक होगी जहाँ ऐसी सुविधाएँ विद्यमान हैं।

(ख) परीक्षण के लिए नमूना (जहाँ कहीं भी अपेक्षित हो) अभिलेखित अन्वेषण पर आधारित होगा।

(ग) परीक्षण किए जाने वाले उत्पाद के विवरण का सत्यापन करने के लिए पर्याप्त अभिलेख रखे जाएंगे।

4. माप-पद्धति नियंत्रण : उत्पादन और निरीक्षण में प्रयुक्त मेजों तथा उपकरणों की कालिक जांच या उनका अंशगोचन किया जाएगा तथा अभिलेख बूत कार्ड के रूप में रखे जाएंगे।

5. परिरक्षण नियंत्रण : (क) उत्पाद को मौसम परिसरितियों के प्रतिकूल प्रभाव से सुरक्षित रखने के लिए विनिर्माता द्वारा ब्योचवार विनिर्देश अधिकृत किए जाएंगे।

(ख) उत्पाद भंडारण और अभिवहन दोनों के दौरान अच्छे प्रकार से परिरक्षित रखा जाएगा।

6. पैकिंग नियंत्रण : उत्पादों की पैकिंग के साथ ही निर्यात पैकेज के लिए विनिर्देश अधिकृत किए जाएंगे और उनका सख्ता पालन किया जाएगा।

अनुसूची
नियंत्रण के स्तर

क्रम सं०	परख / निरीक्षण विशेषताएं	अपेक्षाएं	निरीक्षण/परख किए जाने वाले नमूनों की संख्या	लाट / प्रकार आयुति	टिप्पणी
1	2	3	4	5	6
1. कच्ची सामग्री					
1.1	रसायनिक मिश्रण	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	प्रत्येक परेक्षण	जहां भी उत्पादक के परीक्षण प्रमाण पत्र द्वारा समर्थित हो वही इन विशेषताओं का सत्यापन दस परेक्षणों में कम से कम एक बार किया जाएगा।
1.2	यांत्रिक विशेषताएं	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	प्रत्येक परेक्षण	
2. संघटक					
2.1	कार्य कौशल और फिटिंग	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	प्रत्येक परेक्षण	
2.2	विमाएं	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	प्रत्येक परेक्षण	
2.3	रसायनिक/भौतिक विशेषताएं	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	दस परेक्षणों में से एक बार	जब उसके साथ परीक्षा प्रमाण पत्र लगा हो।
3. प्रक्रिया नियंत्रण					
3.1 इलाई					
3.1.1	चाक्षुष तथा विमाएं	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	प्रत्येक दिन का उत्पादन	
3.1.2	तनन सामर्थ्य /अनुप्रस्थ शक्ति	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	प्रत्येक दिन का उत्पादन	
3.1.3	रसायनिक संरचना	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	प्रत्येक दिन का उत्पादन	
3.1.4	हार्डनेस/परीक्षण (जहां अपेक्षित हो)	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	प्रत्येक दिन का उत्पादन	
3.2 यंत्रीकरण					
3.2.1	चाक्षुष तथा विमाएं	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	प्रत्येक दिन का उत्पादन	
3.3 दाब					
3.3.1	चाक्षुष तथा विमाएं	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच।	
3.4. ताप अभिक्रिया					
3.4.1	तापमान	मानक विनिर्देशों के अनुसार	अभिलिखित जांच के आधार पर	प्रत्येक चार्ज	
3.4.2	कठोरता	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	प्रत्येक चार्ज	
3.4.3	चाक्षुष	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	प्रत्येक चार्ज	
3.5. लेपन					
3.5.1	उष्मक संकेन्द्रण	मानक विनिर्देशों के अनुसार	अभिलिखित जांच के आधार पर	प्रत्येक बैच	
3.5.2	उष्मक तापमान	मानक विनिर्देशों के अनुसार	अभिलिखित जांच के आधार पर	प्रत्येक बैच	
3.5.3	बोल्डता	मानक विनिर्देशों के अनुसार	अभिलिखित जांच के आधार पर	प्रत्येक बैच	
3.5.4	प्रवाह	मानक विनिर्देशों के अनुसार	अभिलिखित जांच के आधार पर	प्रत्येक बैच	
3.5.5 परीक्षण					
3.5.5.1	लेपन परत की मोटाई	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	प्रत्येक बैच	
3.5.5.2	ग्रामंजन	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	प्रत्येक बैच	
3.5.5.3	लवण फुहार	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	सप्ताह में एक बार	
3.6 वैलिडिंग / गढ़ाई					
3.6.1	चाक्षुष	मानक विनिर्देशों के अनुसार	प्रत्येक टुकड़ा	प्रत्येक बैच	
3.6.2	विमाएं	मानक विनिर्देशों के अनुसार	प्रत्येक टुकड़ा	प्रत्येक बैच	
3.6.3	बैल्ट परीक्षण	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	प्रत्येक बैच	
3.7 संसेचन					
3.7.1	विस्फामिता	मानक विनिर्देशों के अनुसार	अभिलिखित जांच के आधार पर	प्रत्येक बैच	
3.7.2	बैकपुस गेज पठन	मानक विनिर्देशों के अनुसार	अभिलिखित जांच के आधार पर	प्रत्येक बैच	
3.8 डाईकॉस्टिंग					
3.8.1	डाई तथा धातु का तापमान	मानक विनिर्देशों के अनुसार	अभिलिखित जांच के आधार पर	प्रत्येक बैच	
3.8.2	इलाई का दबाव	मानक विनिर्देशों के अनुसार	अभिलिखित जांच के आधार पर	प्रत्येक बैच	
3.8.3	चाक्षुष	मानक विनिर्देशों के अनुसार	प्रत्येक टुकड़ा		
3.8.4	बरार परीक्षण	मानक विनिर्देशों के अनुसार	प्रत्येक टुकड़ा		
3.9. वसतिरहित					
3.9.1	उष्मक संरचना	मानक विनिर्देशों के अनुसार	अभिलिखित जांच के आधार पर	प्रत्येक बैच	
3.9.2	उष्मक तापमान	मानक विनिर्देशों के अनुसार	अभिलिखित जांच के आधार पर	प्रत्येक बैच	

1	2	3	4	5	6
3. 9. 3 चाक्षुष		मानक विनिर्देशों के अनुसार	प्रत्येक टुकड़ा		
3. 10. सेकना					
3. 10. 1 तापमान		मानक विनिर्देशों के अनुसार	अभिलिखित जांच के आधार पर	प्रत्येक बैच	
3. 11 समंजन		मानक विनिर्देशों के अनुसार	प्रत्येक		
3. 12 पेंट करना					
3. 12. 1 शाट स्लास्ट सतह तैयार करना		मानक विनिर्देशों के अनुसार	अभिलिखित जांच के आधार पर	प्रत्येक बैच	
3. 12. 2 विस्कासिता		मानक विनिर्देशों के अनुसार	अभिलिखित जांच के आधार पर	प्रत्येक बैच	
3. 12. 3 तापमान		मानक विनिर्देशों के अनुसार	अभिलिखित जांच के आधार पर	प्रत्येक बैच	
3. 12. 4 आसंजन		मानक विनिर्देशों के अनुसार	ए०क्यू०एल०मानक के आधार पर	एक जैसी दशा के अधीन प्रत्येक बैच का उत्पादन	
3. 12. 5 पेंट परत की मोटाई		मानक विनिर्देशों के अनुसार	ए०क्यू०एल०मानक के आधार पर	एक जैसी दशा के अधीन प्रत्येक बैच का उत्पादन	
3. 13 बार्निशिंग (कण्डलन)					
3. 13. 1 धुमाक/धुपात की संख्या		मानक विनिर्देशों के अनुसार	ए०क्यू०एल० मानक के आधार पर	प्रत्येक बैच	
3. 13. 2 कुण्डलन प्रतिरोध		मानक विनिर्देशों के अनुसार	ए०क्यू०एल०मानक के आधार पर	प्रत्येक बैच	
3. 13. 3 उष्मारोधी प्रतिरोध		मानक विनिर्देशों के अनुसार	ए०क्यू०एल०मानक के आधार पर	प्रत्येक बैच	
4. उत्पाद नियंत्रण					
4. 1 नित्यक्रम और प्रतिग्रहण परीक्षण					
नोट : यद्यपि प्रत्येक मद की दैनिक जांच की जाएगी परन्तु अनुमोदित जांच निम्नलिखित के अनुसार होगी।					
स्विच गियरों और नियंत्रण गियरों पर, उपयुक्तता के आधार पर सुसंगत मानक विनिर्देश में दिए गए के अनुसार निम्नलिखित परीक्षण तथा अन्य कोई परीक्षण किए जाएंगे।					
4. 1. 1 सक्रिय ब्रेकरस					
(क) उच्च बोल्टता परीक्षण		मानक विनिर्देशों के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
ख. अधिक धारा यंत्र धनशोधन परीक्षण		मानक विनिर्देशों के अनुसार	ए०क्यू० एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
ग. संचालन परीक्षण		मानक विनिर्देशों के अनुसार	ए०क्यू०एल०मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
घ. निर्मुक्तो का अंशशोधन		मानक विनिर्देशों के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
ङ. आई-इलेक्ट्रिक परख		मानक विनिर्देशों के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
च. मुख्य सक्रियता के प्रतिरोध के माप		मानक विनिर्देशों के अनुसार	ए०क्यू० एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
छ. स्वतः रो-कणोजर और महायक सक्रियता पर एक मिनट क्षमता की शुष्क बोल्टता परख की जाएगी।		मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
ज. चाक्षुष और विमीय जांच		मानक विनिर्देशों के अनुसार	ए०क्यू०एल०मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
4. 1. 2 एयर ब्रेक स्विच					
क. संचालन परीक्षण		मानक विनिर्देशों के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
ख. आई इलेक्ट्रिक परख		मानक विनिर्देशों के अनुसार	ए०क्यू०एल०मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
ग. चाक्षुष और विमीय जांच		मानक विनिर्देशों के अनुसार	ए०क्यू०एल०मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	

1	2	3	4	5
4.1.3 टोगल स्विच				
क. उच्च बोल्टता परीक्षण	मानक विनिर्देशों के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
ख. उष्मारोधी प्रति रोधक परीक्षण	मानक विनिर्देशों के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
ग. मिलीवाल्ड बिंदु पात परख	मानक विनिर्देशों के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
घ. अधिक भार परख	मानक विनिर्देशों के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
ङ. परिचालन दाब परख	मानक विनिर्देशों के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
च. स्विचिंग यंत्रावली (परख)	मानक विनिर्देशों के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
छ. आक्षुब्ध और विभीषण जांच	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
4.1.4 नियंत्रक स्विच				
क. सामान्य मशीन निरीक्षण	मानक विनिर्देशों के अनुसार	ए० क्यू० एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
ख. उच्च बोल्टता परख	मानक विनिर्देशों के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
ग. संचालन सीमाओं का स्थापन	मानक विनिर्देशों के अनुसार	ए० क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
घ. निर्माण और तोड़ने की क्षमता की अनुपात के लिए परख	मानक विनिर्देशों के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
ङ. आक्षुब्ध और निर्माण जांच	मानक विनिर्देशों के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
4.1.5 भूयोजन (अधिग) स्विच				
क. शक्ति आवृत्ति बोल्टता शुल्क परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
ख. सहायक (अतिरिक्त) सर्किट पर शक्ति आवृत्ति बोल्टता	मानक विनिर्देशों के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
ग. मुख्य सर्किट प्रति रोध का माप	मानक विनिर्देशों के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
घ. संतोषजनक संचालन को प्रमाणित करने के लिए परख	मानक विनिर्देशों के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
ङ. आक्षुब्ध और विभीषण परख	मानक विनिर्देशों के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
4.1.6 मोटर स्टार्टर				
क. संचालन परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
ख. डाय-मैकेट्रिक परख	मानक विनिर्देश के अनुसार	ए० क्यू० एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
ग. आटो ट्रांसफार्मर टेपस पर बोल्टता का स्थापन	मानक विनिर्देश के अनुसार	ए० क्यू० एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
घ. मोटर सिरों का स्थापन जिनका पक्ष क्रम आर-1 और कुल-और दोनों स्थिति में एक सा रहता है।	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
ङ. स्टार्टिंग प्रतिरोध के प्रतिरोध मूल्य की स्थापन जांच	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
च. आक्षुब्ध और विभीषण जांच	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	

1	2	3	4	5
4.1.7	बस नलिकाओं सहित अस्त-मेलक बस छेड़ें			
	क. शक्ति आवृत्ति बोल्टता सह्यता परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	बिनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच
	ग. चाक्षुष और बिभोय जांच	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	बिनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच
4.1.8	मेलक			
	क. संचालन परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	बिनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच
	ख. डाय-हलैक्टिक परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	बिनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच
	ग. चाक्षुष और बिभोय जांच	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	बिनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच
4.1.9	फ्यूज, फ्यूज बोर्ड और कट आउट			
	क. बाहरी परिवर्तनशीलता की जांच के लिए परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	बिनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच
	ख. विद्युत शॉक से सुरक्षा के लिए परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	बिनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच
	ग. आइला प्रतिरोधक के लिए परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	बिनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच
	घ. विद्युत क्षमता और ऊष्मा-प्रतिरोधक के लिए परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	बिनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच
	ङ. ऊष्मा के लिए परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	बिनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच
	च. मशीनी क्षमता के लिए परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	बिनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच
	छ. निवर्तन दाब के लिए परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	बिनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच
	ज. तापमान वृद्धि के लिए परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	बिनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच
	झ. जल शोषण के लिए परख	मानक विनिर्देश के अनुसार	ए० क्यू एल० मानक के आधार पर	बिनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच
	ट. उच्च बोल्टता के लिए परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	बिनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच
	ठ. चाक्षुष और बिभोय जांच	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	बिनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच
4.1.10	बिभाजित स्तम्भ (पिलर)			
	क. उच्च बोल्टता परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	बिनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच

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	ख. चाक्षुष और विभीष्य जांच	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच।
4.1.11	विद्युत चालित नेट के अंश के वक्से क. उच्च बोल्टता परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच।
	ख. निष्पादन परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच।
	ग. मिलीबाल्ट पात परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच।
	घ. चाक्षुष और विभीष्य जांच	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच।
4.1.12	वियोजक (आइसोलेटर)			
	(क) मिलीबाल्ट पात परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच।
	(ख) मुख्य सर्किट पर शक्ति आवृत्ति बोल्टता मुक्त परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच।
	(ग) सहायक सर्किट पर शक्ति बोल्टता परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच।
	(घ) मुख्य सर्किट के प्रतिरोधक का माप	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच।
	(ङ) संतोषजनक संवाहन को प्रमाणित करने के लिए परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच।
	(च) चाक्षुष और विभीष्य जांच	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच।
4.1.13.	विद्युत शक्ति मेसक			
	(क) तनाव परख	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच।
	(ख) प्रतिरोधक जांच	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच।
	(ग) गाल्वनीकृत परख (जहां लागू हो)	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच।
	(घ) चाक्षुष और विभीष्य जांच	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच।
4.2.	प्रकार परखें			
	नोट : स्विच गियर और नियंत्रण गियर पर उपयुक्तता के आधार पर सुसंगत मानक विनिर्देश में दिए गए निम्न-लिखित परीक्षण और अन्य परीक्षण किए जायेंगे।			

1	2	3	4	5
4.2.1	तापमान वृद्धि	मानक विनिर्देश के अनुसार	न्यूनतम एक नमूने सहित अभिलिखित अवलोकन के आधार पर निश्चित किया जाएगा।	अब कमी भी डिजाइन बढ़ाया जायेगा सभी प्रकार परखों के लिए एक नमूने की जांच की जाएगी।
4.2.2	रोधन प्रतिरोधक			
4.2.3	हाय इलेक्ट्रिक गुणों का स्थापन			
4.2.4	उच्च बोल्टता परख			
4.2.5	आवेग बोल्टता परख			
4.2.6	एक मिनिट शक्ति आवृत्ति बोल्टता			
4.2.7	शॉर्ट सर्किट निर्माण और तोड़ने की क्षमता के लिए परख			
4.2.8	शॉर्ट सर्किट क्षमता परख			
4.2.9	अधिक भार निष्पादन परख			
4.2.10	अधिक धारायंत्र अंशशोधन परख			
4.2.11	मशीनी तथा विद्युतीय क्षमता परीक्षा परख			
4.2.12	मुख्य सर्किट के प्रतिरोधक का माप			
4.2.13	समय/धारा विशेषताएं परख			
4.2.14	लचीली कोर्ड परख			
4.2.15	शाक परख			
4.2.16	मशीनी शक्ति के लिए परख			
4.2.17	निवर्तन दाब के लिए परख			
4.2.18	तोड़ने की क्षमता के लिए परख			
4.2.19	जल अवशोषण के लिए परख			
4.2.20	चीनी मिट्टी की सामग्री के लिए परख			
4.2.21	प्रखलन परख			
4.2.22	सुरक्षात्मक सर्किट की निरन्तरता की जांच			
4.2.23	तनन परख			
4.2.24	निर्माण क्षमता, टूटन प्रवाह तथा लघु समय धारा परखों			
4.2.25	संचालन परख			
4.2.26	आर्थिक स्थितियों की निर्माण क्षमता के स्थापन के लिए परीक्षण			
5.	माप पद्धति नियंत्रण			
5.1	तापमान गेज दाब गेज, आदि सहित उपकरण तथा गेज	परिशुद्धता	प्रत्येक चुकड़ा	निरन्तर आंशिक आवृत्ति पर
6.	*'पैकिंग'			
6.1	रूप सञ्ज्ञा	मानक विनिर्देश के अनुसार	अभिलिखित जांच के आधार पर	प्रत्येक परेक्षण
6.2	पात परख	नीचे दिए के अनुसार	एक	दस परेक्षण में एक बार
6.3	रोलिंग परख	नीचे दिए के अनुसार	एक	दस परेक्षण में एक बार
6.4	जल फुहार परख	नीचे दिए के अनुसार	छः मशीनें से एक बार	प्रत्येक डिजाइन

(*) पैकेज की अच्छी फिटिंगिंग होगी और देखने में सुन्दर होंगे। पैकेजों में रखी अन्तर्बस्तु इस प्रकार से पैक की जाएगी कि वह नीचे दिए गए पात परख, रोलिंग परख और जल फुहार परख को सहन कर सके।

(i) पाते परख (केवल 37 किलोग्राम तक के भार तक निर्बंधित होगी)। 150 से०मी० की ऊंचाई से गिराया जाने वाला पैकेज एक बार बड़ी समतल सतह पर, एक बार लम्बे किनारे पर और एक बार उसके किसी भी किनारे पर गिराया जाएगा।

(ii) रोलिंग परख (केवल 500 किलोग्राम तक के भार तक निर्बंधित हो) रोलिंग कराने के लिए पैकेज को इसके किसी भी ओर 6 मीटर आगे की तरफ तथा 6 मीटर पीछे की तरफ या 12 मीटर एक ही तरफ रोल किया जाएगा।

(iii) जल-फुहार परख-पैकेजों को पांच मिनट के लिए सामान्य आकस्मिक मानसून मौसम के समतुल्य जल फुहार में रखा जाएगा।

[सं० 6(6)/83-ई०आई०एण्ड ई०पी०]

सी०बी० कुकरेली, संयुक्त निदेशक

MINISTRY OF COMMERCE

ORDER

New Delhi, the 17th February, 1984

S.O. 729.—Whereas for the development of the export trade of India certain proposals for subjecting Switch Gear and Control Gear to quality control and inspection prior to export were published as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964 in the Gazette of India, Part-II, Section 3, Sub-section (ii) dated the 27th August, 1983, under the Order of the Government of India in the Ministry of Commerce No. S.O. 3363, dated the 18th August, 1983 ;

And whereas the objections and suggestions were invited from all persons likely to be affected thereby within 45 days of the publication of the said order in the Official Gazette.

And whereas the copies of the said Gazette were made available to the public on the 23rd September, 1983 ;

And whereas the objections and suggestions received from the public on the said draft proposals have been considered by the Central Government ;

Now, therefore, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consultation with the Export Inspection Council, being of opinion that it is necessary and expedient so to do for the development of the export trade of India, hereby :—

- (1) notifies that Switch Gear and Control Gears shall be subject to quality control and inspection prior to export ;
 - (2) Specifies the type of quality control and inspection in accordance with the Export of Switch Gears and Control Gears (Quality Control and Inspection) Rules, 1984, as the type of quality control and inspection which shall be applied to such Switch Gears and Control Gears prior to export;
 - (3) recognises :—
 - (a) National and International Standards ;
 - (b) Standards of other bodies recognised by Export Inspection Council ; and
 - (c) The contractual specifications for consignments for orders secured by the Manufactures and/or Exporters immediately prior to introduction of Compulsory Quality Control and inspection and thereafter upto 60 days from the date of introduction of Compulsory Quality Control and Inspection.
 - (4) Prohibits the export in the course of international trade of such Switchgear and controlgear unless the same is accompanied by a certificate issued by an agency established by the Central Government under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), to the effect that the Switchgear and Controlgear conforms to the aforesaid standard specifications and is export-worthy, or are affixed with a seal or mark recognised by the Central Government under section 8 of the said Act.
2. Nothing in this order shall apply to :—
- (a) The export by land, sea or air or bonafide samples of Switchgear and Controlgear to prospective buyers.
 - (b) The consignments that have already left the exporter's/manufacture's premises immediately prior to the introduction of the Compulsory Quality Control and Inspection.
3. In this Order Switchgear and Controlgear shall mean any of the Switchgears and Controlgears or a combination thereof mentioned in the Schedule given below :—

SCHEDULE

Sl. No.	Switchgear and Controlgear
1.	Circuit Breakers
2.	Air Break, Toggle, Control and Earthing Switches

3. Motor Starters
4. Inter connecting Bus-Bars including Bus-ducts
5. Contractors
6. Fuses, Fuse-Boards and cut-outs
7. Distribution Pillars
8. Electrically operated Ganteend Boxes
9. Disconnectors (Isolators)
10. Electric Power Connectors.

New Delhi, the 17th February, 1984

S.O. 730.—In exercise of the powers conferred by clause (d) of sub-section (2) of Section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, hereby makes the following rules, namely :—

1. Short title and Commencement. (1) These rules may be called the Export of Switchgear and Controlgear (Quality Control and Inspection) Rules, 1984.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions : In these rules below the contest otherwise requires:

- (a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963)
- (b) "Agency" means any of the Export Inspection Agencies established at Bombay, Calcutta, Cochin, Delhi and Madras under section 7 of the Act;
- (c) "Council" means the Export Inspection Council established under section 3 of the Act;
- (d) "Switchgear and Controlgear" means of the Switchgears and Controlgears of a combination thereof mentioned in the Table below :—

TABLE

S. No.	Switchgear and Controlgear
1.	Circuit Breakers
2.	Air Break, Toggle, Control and Earthing Switches
3.	Motor Starters
4.	Inter connecting Bus-Bars including Bus-Ducts
5.	Contractor
6.	Fuses, Fuse-Boards and Cut-outs
7.	Distribution Pillars
8.	Electrically operated Gate end Boxes
9.	Disconnectors (Isolators)
10.	Electric Power Connectors

3. Basis of Inspection.—Inspection of Switchgears and Controlgears for export shall be carried out with a view to seeing that the Switchgears and Controlgears conforms to the standard specifications recognised by the Central Government under section 6 of the Act, namely National and International standards and standards of other bodies recognised by the Export Inspection Council by ensuring that the products have been manufactured by exercising inprocess quality controls as specified in Annexure to this notification.

4. Procedure of Inspection.—(1) After the manufacturing unit of Switchgear and Controlgear being adjudged as having adequate inprocess quality control drills as laid down in Annexure by a panel of experts constituted by the Council for this purpose, the exporter or manufacturer in ending to export the consignment of Switchgear and Controlgear shall give intimation in writing to the Agency indicating the details of the contractual specifications and submit alongwith such intimation a declaration that the consignment of Switchgear and Controlgear intended for export has been manufactured by exercising adequate quality controls as laid down in Annexure and that the consignment conforms to the standard specifications recognised for the purpose.

(2) The exporter shall furnish to the Agency the identification marks applied to the consignment to the exported.

(3) Every intimation under sub-rule (1) shall be given not less than three days prior to the despatch of the consignment from the manufacturer's premises.

(4) (a) On receipt of the declaration under sub-rule (1), the Agency on satisfying itself that during the process of manufacture, the manufacturer has exercised adequate quality controls as laid down in Annexure and followed the instructions, if any, issued by the Council and/or Agency in this regard to manufacture the product so as to conform to the standard specifications recognised for the purpose, shall within three days, issue a certificate declaring the consignment of Switchgear and Controlgear as exportworthy. (b) In case where the manufacturer is not the exporter, the consignment shall be physically verified and such verification and/or inspection if necessary, shall be carried out by the Agency to ensure that the above conditions are complied with. (5) The Agency shall, however, carry out the spot-check of some of the consignments meant for export and also visit manufacturing unit at regular interval to verify the maintenance of the adequacy of inprocess quality control drills adopted by the unit. If the manufacturing unit is found not maintaining the required quality control measures at any stage of manufacture or does not comply with the recommendations of the Council Agency, the unit shall be declared as not having adequate inprocess quality control drills and in such cases, the unit, if so desires, shall apply afresh for adjudgment of the adequacy of inprocess quality control drills.

Provided that where the Agency is not so satisfied it shall refuse to issue a certificate to the exporter declaring the consignment of Switchgear and Controlgear as exportworthy and shall communicate such refusal within seven days to the exporter alongwith the reasons therefor.

5. Place of Inspection.—Every inspection under these rules shall be carried out either (a) at the premises of the manufacturer of such products or (b) at the premises at which the goods are offered by the exporter provided that the required facilities for inspection exist therein.

6. Inspection fee.—(1) The inspection fee shall be paid by the manufacturer or exporter as the case may be to the Agency at the rate of 0.2 per cent of FOB value subject to a minimum of Rs. 20/- per consignment.

(2) For export of items manufactured by the units having adequate inprocess quality control levels and exported by merchant exporters at the rate of 0.3 per cent of FOB value subject to a minimum of Rs. 20/- per consignment.

(3) A rebate of at the rate of 10 per cent on the rate of inspection fee at (1) and (2) shall be given to small scale units registered with the concerned State Government or Union territory.

7. Affixation of recognised mark and procedure thereof.—The provisions of the Indian Standards Institution (Certification Marks) Act, 1952, (36 of 1952) the Indian Standards Institution (Certification Marks) Rules, 1955 and the Indian Standards Institution (Certification Marks) Regulations, 1955, so far as may apply in relation to the procedure of affixation of the recognised mark or seal on Switchgear and Controlgear prior to export and Switchgear and Controlgear so marked shall not be subjected to any inspection under rule 3.

8. Appeal.—(1) Any person aggrieved by the refusal of the Agency to issue a certificate under sub-rule (4) of rule 4 may, within 10 days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts constituting of not less than three but not more than seven persons appointed for the purpose by the Central Government.

(2) The panel shall consist of atleast two-third of non-officials of the total membership of the panel of experts.

(3) The quorum for the panel shall be three.

(4) The appeal shall be disposed of within fifteen days of its receipt.

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ANNEXURE

(See Rules 3 & 4)

The quality control of the Switchgear and Controlgear shall be exercised by the manufacturer by effecting the following controls at different stages of manufacture, prevention and packing of the products as laid down together with the levels of control as set out in the Schedule appended hereto.

1. Bought out materials and Components control.—(a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of materials or components to be used and the detailed dimensions thereof with tolerances.

(b) The accepted consignments shall be either accompanied by the producer's test certificate corroborating the requirement of the purchase specifications or in the absence of such test certificates, samples from each consignment shall be regularly tested to check up its conformity to the purchase specifications. The producer's test certificate shall be counter-checked atleast one in five consignments to verify their correctness.

(c) The incoming consignment shall be inspected and tested for ensuring conformity to purchase specifications against statistical sampling plans.

(d) After inspecting and testing, systematic method shall be adopted for proper segregation and disposal of defectives.

(e) Adequate records in respect of the above mentioned controls shall be systematically maintained.

2. Process Control.—(a) Detailed process specifications shall be laid down by the manufacturer for various processes of manufacture.

(b) Equipment and instrumentation facilities shall be adequate to control the process as laid down in the process specification.

(c) Sampling (Wherever required) for checking the conformity of the processed materials with the process specifications shall be based upon the recorded investigation.

(d) Adequate records shall be maintained to enable the verification of the controls adopted during the process of manufacture.

3. Product Control.—(a) The manufacturer shall either have his own testing facilities or shall have access to such testing facilities existing elsewhere to test the product as per the standard specification.

(b) Sampling (Wherever required) for testing shall be based on recorded investigations.

(c) Adequate records shall be maintained to enable the verification of the details of product testing.

4. Metrological Control.—Gauges and instruments used in the production and inspection shall be periodically checked or calibrated and records shall be maintained in the form of history cards.

5. Preservation Control.—(a) A detailed specification shall be laid down by the manufacturer to safeguard the produce from adverse effects of weather conditions.

(b) The product shall be well preserved both during storage and during transit.

6. Packing Control.—Specifications shall be laid down for packing the product(s) as well as for export packages and the same shall be strictly adhered to.

THE SCHEDULE
LEVEL OF CONTROL

S. No.	Test/Inspection Characteristics	Requirements	No. of samples to be inspected/tested	Lot size/frequency	Remarks
1	2	3	4	5	6
1.	Raw Materials:				
1.1.	Chemical Composition	As per standard specification	On the basis of standard A.O.L.	Each consignment	Wherever support by producer's
1.2.	Mechanical properties	As per standard specification	On the basis of standard A.Q.L.	Each consignment	certificate these character shall be verified at least once in ten consignment.
2.	Components				
2.1	Workmanship and finish	As per standard specification	On the basis of standard A.Q.L.	Each consignment	
2.2	Dimensions	As per standard specification	On the basis of standard A.Q.L.	Each consignment	
2.3	Chemical/Physical	As per standard specification	On the basis of standards A.Q.L.	Once in ten consignments when supported by test certificate	
3.	Process Control				
3.1	Casting				
3.1.1.	Visual & Dimensions	As per standard specification	On the basis of standard A.Q.L.	Each day's production	
3.1.2	Tensile strength transverse strength	As per standard specification	On the basis of standard A.Q.L.	Each day's production	
3.1.3	Chemical composition	As per standard specification	On the basis of standard A.Q.L.	Each day's production	
3.1.4	Hydraulic test (whenever required)	As per standard specification	On the basis of standard A.Q.L.	Each days' production	
3.2	Machining				
3.2.1	Visual and dimensional	As per standard specification	On the basis of standard A.Q.L.	Each day's production	
3.3	Pressing				
3.3.1	Visual and dimensional	As per standard specification	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
3.4	Heat Treatment				
3.4.1	Temperature	As per standard specification	On the basis of recorded investigation	Each charge	
3.4.2	Hardness	As per standard specification	On the basis of standard A.Q.L.	Each charge	
3.4.3.	Visual	As per standard specification	On the basis of standard A.Q.L.	Each charge	
3.5	Electroplating				
3.5.1	Batch concentration	As per standard specification	On the basis of recorded investigation	Each batch	
3.5.2	Bath Temperature	As per standard specification	On the basis of recorded investigation	Each batch	
3.5.3	Voltage	As per standard specification	On the basis of recorded investigation	Each batch	
3.5.4	Current	As per standard specification	On the basis of recorded investigation	Each batch	
3.5.5	Tests				
3.5.5.1	Thickness of coating	As per standard specification	On the basis of standard A.Q.L.	Each batch	
3.5.5.2	Adhesion	As per standard specification	On the basis of standard A.Q.L.	Each batch	
3.5.5.3	Salt spray	As per standard specification	On the basis of standard A.Q.L.	Once in a week	

1	2	3	4	5	6
3.6	Welding/Fabrication				
3.6.1	Visual	As per standard specification	Each piece	Each batch	
3.6.2	Dimensions	As per standard specification	Each piece	Each batch	
3.6.3	Weld test	As per standard specification	On the basis of standard A.Q.L.	Each batch	
3.7	Impregnation				
3.7.1	Viscosity	As per standard specification	On the basis of recorded investigation	Each batch	
3.7.2	Vacuum gauge reading	As per standard specification	On the basis of recorded investigation	Each batch	
3.8	Die Casting				
3.8.1	Temperature of die and metal	As per standard specification	On the basis of recorded investigation	Each batch	
3.8.2	Pressure of casting	As per standard specification	On the basis of recorded investigation	Each batch	
3.8.3	Visual	As per standard specification	Each piece		
3.8.4	Crack detection	As per standard specification	Each piece		
3.9	Degreasing				
3.9.1	Batch composition	As per standard specification	On the basis of recorded investigation	Each batch	
3.9.2	Batch temperature	As per standard specification	On the basis of recorded investigation	Each batch	
3.9.3	Visual	As per standard specification	Each piece		
3.10	Baking				
3.10.1	Temperature	As per standard specification	On the basis of recorded investigation	Each batch	
3.11	Assembly	As per standard specification	Each		
3.12	Painting				
3.12.1	Surface preparation including shot blasting	As per standard specification	On the basis of recorded investigation	Each batch	
3.12.2	Viscosity	As per standard specification	On the basis of recorded investigation	Each batch	
3.12.3	Temperature	As per standard specification	On the basis of recorded investigation	Each batch	
3.12.4	Adhesion	As per standard specification	On the basis of standard A.Q.L.	Production of each batch under identical condition	
3.12.5	Coating	As per standard specification	On the basis of standard A.Q.L.	Production of each batch under identical condition	
13	Winding				
3.13.1	Number of turns/ratio	As per standard specification	On the basis of standard A.Q.L.	Each batch	
3.13.2	Winding resistance	As per standard specification	On the basis of standard A.Q.L.	Each batch	
3.13.3	Insulation resistance	As per standard specification	On the basis of standard A.Q.L.	Each batch	
4.	Product control				
4.1	Routine/acceptance tests				
	Note : While the routine tests shall be carried out on each item, the acceptance test shall be carried out as given below.				
	Depending upon applicability, the following tests and any other test as given in the relevant standard specification shall be carried out on Switchgears and Controlgears				

1	2	3	4	5	6
4.1.1	Circuit Breakers				
	(a) High voltage test	As per standard specification	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(b) Over current device calibration test	As per standard specification	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(c) Operation test	As per standard specification	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(d) Calibration of releases	As per standard specification	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(e) Di-electric	As per standard specification	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(f) Measurement of resistance on main circuit	As per standard specification	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(g) One-Minute power frequency voltage dry withstand test on the auto recloser and auxiliary circuit	As per standard specification	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(h) Visual and dimensional checks	As per standard specification	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
4.1.2	Air Break Switches				
	(a) Operation test	As per standard specification	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(b) Di-electric test	As per standard specification	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(c) Visual and dimensional	As per standard specification	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
4.1.3	Toggle switches				
	(a) High voltage test	As per standard specification	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(b) Insulation resistance test.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(c) Milli-volt drop test.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(d) Over load test.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(e) Operating force test.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(f) Switching mechanism test	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(g) Visual and dimensional checks.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	

(1)	(2)	(3)	(4)	(5)	(6)
4.1.4. <i>Control Switch</i>					
(a)	General mechanical inspection.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
(b)	High voltage test.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
(c)	Verification of operating limits.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
(d)	Test for rated making & breaking capacities.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
(e)	Visual and dimensional checks.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
4.1.5. <i>Earthing Switches.</i>					
(a)	Power frequency voltage dry test.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
(b)	Power frequency voltage on auxilliary circuit.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
(c)	Measurement of resistance of the main circuit.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
(d)	Test to prove satisfactory operation.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
(e)	Visual and dimensional checks.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
4.1.6. <i>Motor Starters</i>					
(a)	Operation test	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
(b)	Di-electric test	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
(c)	Verification of voltage at the autotransformer taps.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
(d)	Verification at the motor terminals that phase sequence is same in both the starting & the FULL-ON positions of starter.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
(e)	Verification of resistance, value of the starting resistance.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	

(1)	(2)	(3)	(4)	(5)	(6)
	(f) Visual and dimensional checks	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
4.1.7. <i>Inter-connecting Bus-bars including bus-ducts.</i>					
	(a) Power frequency voltage withstand test.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(b) Visual & dimensional checks.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
4.1.8 <i>Contactors</i>					
	(a) Operating test	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(b) Di-electric test.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(c) Visual and dimensional checks.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
4.1.9. <i>Fuses, Fuse board and cut-outs.</i>					
	(a) Test for checking non-inter changeability.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(b) Test for protection against electrical shock.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(c) Test for moisture resistance	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(d) Test for insulation resistance & electric strength.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(e) Test for heating	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(f) Test Mechanical endurance	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(g) Test for withdrawal force	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(h) Test for temperature rise	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(i) Test for water absorption	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	

(1)	(2)	(3)	(4)	(5)	(6)
	(j) Test for high voltage.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(k) Visual and dimensional checks.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
4.1.10. <i>Distribution Pillars</i>					
	(a) High voltage test.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(d) Visual & dimensional checks.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
4.1.11. <i>Electrically operated gate end box</i>					
	(a) High voltage test	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(b) Performance test	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(c) Milli-volt drop test.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(d) Visual & dimensional checks.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
4.1.12. <i>Disconnectors (Isolators)</i>					
	(a) Milli-volt drop test.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(b) Power frequency voltage dry test on main circuit.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(c) Power frequency voltage test on auxilliary circuit.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(d) Measurement of resistance of main circuit.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(e) Test to prove satisfactory operation.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(f) Visual and dimensional checks.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
4.1.13. <i>Electric Power connectors.</i>					
	(a) Tensile test	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	

(1)	(2)	(3)	(4)	(5)	(6)
	(b) Resistance Test	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(c) Galvanising test (where applicable)	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	
	(d) Visual and dimensional checks.	As per standard specification.	On the basis of standard A.Q.L.	Each batch of production under identical conditions of manufacturing.	

4.2. Type Tests

NOTE :—Depending upon applicability the following tests and any other test as given in the relevant stand specification shall be carried out on Switchgear and Controlgear.

4.2.1 Temperature rise.	As per standard specification.	To be fixed on the basis of recorded investigation with a minimum of one sample.	As and when the design is changed one sample shall be tested for all the type tests.
4.2.2 Insulation resistance test			
4.2.3 Verification of di-electric properties.			
4.2.4 High voltage test			
4.2.5 Impulse voltage test.			
4.2.6 Once-minute power frequency voltage dry and withstand test.			
4.2.7 Short circuit making & breaking capacities test.			
4.2.8 Short circuit capacity test.			
4.2.9 Over load performance test			
4.2.10 Over current device calibration test.			
4.2.11 Mechanical & Electrical endurance tests			
4.2.12 Measurement of resistance of main circuit.			
4.2.13 Time/current characteristics test.			
4.2.14 Flexible cord test			
4.2.15 Shock test			
4.2.16 Test for mechanical strength			
4.2.17 Test for withdrawal force			
4.2.18 Test for breaking capacity.			
4.2.19 Test for water absorption			
4.2.20 Test for ceramic material			
4.2.21 Ignition test			
4.2.22 Verification of continuity of protective circuit			
4.2.23 Tensile test			
4.2.24 Making capacity breaking current & short time current tests.			
4.2.25 Operation test			
4.2.26 Test to prove making capacity of earthing switches.			
5. <i>Metrological control</i>			
5.1 Instruments & gauges including temperature gauge pressure gauge etc.	Accuracy	Each piece	At a regular periodic frequency.
6. <i>*Packing.</i>			
6.1 Appearance	As per standard specification.	On the basis of recorded investigation.	Each consignment.
6.2 Drop test	As given below.	one	Once in ten consignments.

1	2	3	4	5	6
6.3	Rolling test.	As given below	one.	Once in ten consignments.	
6.4	Water spraying test.	As given below.	Once in six months.	Each design.	

*The packages shall be well finished and have a good appearance. The inner content of the packages shall be so packed as to withstand drop test rolling test and water spraying test as given below :—

- Drop test (to be restricted to head load upto 37 kgs.). The package to be dropped from a height of 150 cms. once on the largest flat surface once on the largest edge and once on any corner of its own.
- Rolling test (to be restricted upto a weight of 500 kgs.). The package to be subjected to rolling on its sides either 6 metres forward and 6 metres backwards or twelve metres in one direction only.
- Water spraying test—The packages to be exposed against a water spray equivalent to a normal sudden monsoon shower for five minutes.

[No. 6(6)/83-El&EP]

C.B. KUKRETI, Joint Director

(मुख्य नियंत्रक आयात एवं निर्यात का कार्यालय)

नई दिल्ली, 10 जनवरी, 1984

भारत

(Office of the Chief Controller of Imports and Exports)

New Delhi, the 10th January, 1984

ORDER

कां० प्रा० 731.—सर्वश्री टी प्रोजेक्ट्स एंड इक्विपमेंट कॉर्पोरेशन ऑफ इंडिया लिमिटेड "हंसालय", 15 बाराकम्बा रोड, नई दिल्ली-110001 का 3,00,000/- रु० के मूल आयात लाइसेंस संख्या पी/डी/2434052 दिनांक 31-1-81 के उनसे खो जाने पर, उसके स्थान पर 1980-81 की आयात नीति के परिशिष्ट-5 के अनुसार, बॉल, सिलिन्ड्रिकल टेपर और स्फिरिकल रोलर बीयरिंग्स के साथ-साथ नीडल बुसेज/रोलर बीयरिंग/10 मि०मी० तथा इससे अधिक के आन्तरिक व्यास वाले केजस के आयात के लिए अनुमति लाइसेंस सं० डी०/2461323 दिनांक 19-3-83 प्रदान किया गया था।

2. अब सर्वश्री टी प्रोजेक्ट्स एंड इक्विपमेंट कॉर्पोरेशन ऑफ इंडिया लिमिटेड, नई दिल्ली-110001 ने उपर्युक्त लाइसेंस की सीमा शुल्क प्रति की दूसरी अनुमति के लिए इस आधार पर आवेदन किया है कि उपर्युक्त मूल आयात लाइसेंस और अनुमति लाइसेंस बिना किसी भी सीमा शुल्क प्राधिकारी के पास पंजीकृत कराए और बिल्कुल भी उपयोग में आए बिना ही खो गया है। सर्वश्री प्रोजेक्ट्स एंड इक्विपमेंट कॉर्पोरेशन ऑफ इंडिया लिमिटेड मूल आयात लाइसेंस और अनुमति लाइसेंस सं० डी/2471323 दिनांक 19-3-83 के तहत से मिल जाने पर उन्हें इस कार्यालय के रिकार्ड के लिए वापस करने को महमत है और बचन दिया है।

3. अपने तर्क के समर्थन में सर्वश्री प्रोजेक्ट्स एंड इक्विपमेंट कॉर्पोरेशन ऑफ इंडिया लिमिटेड, नई दिल्ली ने 1983-84 की आयात-निर्यात क्रिया-विधि की हैड बुक के अध्याय 15 के पैरा 353 में दी शर्तों में मांगे गए के अनुसार एक प्रत्यक्ष दाखिल किया है। अधोहस्ताक्षरी संतुष्ट है कि अनुमति आयात लाइसेंस सं० डी/2471323 दिनांक 19-3-1983 खो गया है और आवेदक को लाइसेंस की सीमा शुल्क प्रति की दूसरी अनुमति जारी करने का निर्देश देता है। मूल सीमा शुल्क प्रति (अनुमति लाइसेंस सं० डी/2471323 दिनांक 19-3-83) एनडोरा रद्द की गयी समझी जाए।

4. आयात लाइसेंस की सीमा शुल्क प्रति की एक दूसरी अनुमति प्रत्यक्ष से जारी की जा रही है।

[मि० सं० एम०डी०सी०/जेट०ई०सी०/229/80-81/आर०एम०-8/नो०एन०एस]

एम० एल० भार्गव, उप-मुख्य नियंत्रक, आयात एवं निर्यात

कुले मुख्य नियंत्रक, आयात एवं निर्यात

1467 GI/83 | 4

S.O. 731.—M/s. The Projects & Equipment Corporation of India Ltd., Hansalaya, 15-Barakhamba Road, New Delhi-110001, was granted a Duplicate Licence No. D/2471323 dated 19-3-83 for the import of Ball, Cylindrical Taper and Spherical Roller Bearings as well as Needle Bushes/Roller Bearings/Cages internal Dia 10 MM and above as per Appendix 5 of the Import Policy for 1980-81, in lieu of original import licence No. G/T/2434052 dated 31-1-81 for Rs. 3,00,000 which was lost by them.

2. M/s. The Projects & Equipment Corporation of India Ltd., New Delhi-110001, have now requested for issue of a second Duplicate Customs Copy of the above licence on the ground that the original import licence as well as the duplicate licence mentioned above has been lost without being registered with the Customs authority and utilised at all M/s. P & EC of India Ltd., agrees and undertake to return the original import licence and duplicate licence No. D/2471323 dated 19-3-83 if traced later-on to this office for record.

3. In support of their contention, M/s. P&EC of India Ltd., New Delhi, have filed an affidavit as required in terms of para 353 of Chapter XV of Hand Book of Import-Export Procedures for 1983-84. The undersigned is satisfied that the Duplicate import licence No. D/2471323 dated 19-3-83 has been lost and directs that second duplicate Custom Copy of the licence may be issued to the applicant. The original Customs Copy (Duplicate Licence No. D/2471323 dt. 19-3-83) is hereby treated as cancelled.

4. A second duplicate Custom Copy of the import licence is being issued separately.

[F. No. STC/ZEC/229/80-81/RM-8/GLS]

M.L. BHARGAVA, Dy. Chief Controller of Imports & Exports
for Chief Controller of Imports & Exports

संयुक्त मुख्य नियंत्रक आयात तथा निर्यात का कार्यालय

मद्रास, 23 नवम्बर, 1983

रद्दीकरण आदेश

विषय:—आयात (निर्यात) आदेश 1955 के धारा 9(1) (ए) के अंतर्गत रुपये 14,33,974 के एक प्रतिरिक्त लाइसेंस संख्या पी/डी/0357982 दिनांक 21-1-1983 और रुपये 5,00,000 के दो स्प्लिट थ्रू लाइसेंस संख्या पी/डी/0357983 दिनांक 21-1-83 तथा 0357984 दिनांक 21-1-83 के रद्दीकरण।

कां० प्रा० 732.—सर्वश्री श्री जयम काशयुनेट्स कम्पनी, 22, क्रुम्ब-कोमम रोड पनरोट्टी-607106 को अप्रैल-मार्च 1983 अवधि के लिए, अप्रैल-मार्च 1983 आयात नीति के पैरा 186 में दर्शाई गयी अनुमति

सर्वे का आगमन करने के लिए अपने 14.33.974 के एक प्रतिनिधि लाइसेंस मध्या पीवी/0357982/सी/एक्सएम/86/एम 81/1.1 दिनांक 21-1-83 और रुपये 5,00,000/- के दो स्प्लिट अप लाइसेंस मध्या पीवी/0357983, 0357984/सी/एक्सएम/86/एम 81/1.1 दिनांक 21-1-83 जारी किये गये थे। ये लाइसेंस 1981-82 के दौरान किये गये निर्यात के तथा उनको निम्नलिखित लघु पैमाने एककों की कन्माटियम के आधार पर जारी किये गए निर्यात सदन प्रमाणपत्र मध्या 14/261/81/टीपी 3/1871 दिनांक 25-2-1982 के मुद्दे जारी किये गये थे।

- (1) सर्वश्री श्री जयम काशयुनेट्स कम्पनी, 22, कुम्बकानम रोड, पनरोट्टी-607106
- (2) सर्वश्री एम. वी. राममूर्ति एण्ड सन्स, 9, वी. सी. सी. स्ट्रीट, पनरोट्टी,
- (3) सर्वश्री टी. एम. राजमणीकम चेट्टियार एण्ड कम्पनी, 12, वी. सी. सी. स्ट्रीट, पनरोट्टी,
- (4) सर्वश्री टी. आर. वेण्कटचलम चेट्टी, कुम्बकानम रोड, पनरोट्टी-607106
- (5) सर्वश्री श्री वामवी एण्ड कम्पनी, 106, बंगला स्ट्रीट, पनरोट्टी
- (6) सर्वश्री श्री अमीरामी काश्य ट्रेडर्स 33, रामसामी गौंडर स्ट्रीट पनरोट्टी,
- (7) सर्वश्री अण्णपुर्नी, 49, कुम्बकानम रोड पनरोट्टी-607106,
- (8) सर्वश्री श्री आर. पान्दुरंगन, 6, चैपानी चेट्टी स्ट्रीट, पनरोट्टी।

उनके बाद निर्यात दस्तावेजों की जांच करने में पता चला कि जो उनके कथन के अनुसार भुने हुए और नमकीन किये गये काजू और उनकी गिरी का निर्यात 1981-82 के दौरान किया गया था उनका विवरण निर्यात दस्तावेजों में प्रतिबिम्बित नहीं था। अतः उनका उपर्युक्त घोषणा मिथ्या है।

उसके अलावा, जो निर्यात का दावा उपर्युक्त मात्र लघु पैमाने एककों की कन्माटियम के आधार पर किया गया था, वे निर्यात, कन्माटियम निर्यात सदन के द्वारा नहीं किया गया है बल्कि सदस्य एककों के द्वारा किया गया है। लेकिन कन्माटियम निर्यात सदन ने अनिश्चित लाइसेंस को प्राप्त कर लिया है।

उपर्युक्त मात्र लघु पैमाने एककों की किसी भी निर्यात दस्तावेजों में सर्वश्री श्री जयम काशयुनेट्स कम्पनी का नाम नहीं है। अन्य मात्र लघु पैमाने एककों के निर्यात के आधार पर अनिश्चित लाइसेंस के लिए जो दावा कन्माटियम निर्यात सदन ने किया है वह गलत है। यह सूच्य की अधिक दिखाकर झूठी सनदी लेखापाल प्रमाणपत्र तैयार करने और झूठी घोषणा देने के बराबर है जो समय-समय पर संशोधित आयात (नियंत्रण) आदेश 1955 के उपबंधों को आकर्षित करने हैं। विपदाशील लाइसेंस अभावधानी में जारी करने के कारण आयात (नियंत्रण) आदेश 1955 के धारा 9(1) (ए) के अंतर्गत आवेदक को यह पृष्ठे हुए कि उनको जारी किये गये उपर्युक्त अनिश्चित लाइसेंस तथा स्प्लिट अप लाइसेंस को क्यों न रद्द कर दिया जाये एक कारण तत्कालीन संशोधित मध्या अनिश्चित लाइसेंस/2/काश्यम/81-82/एमएम 83/आरईपी-4 दिनांक 24-3-83 जारी किया गया था। अपने मामले को स्पष्ट करने, आवेदक को वैयक्तिक सुनवाई के लिए भी 12-1-83 तक अवकाश दिया गया था।

न तो इस दफ्तर में उपर्युक्त दस्तावेजों में और न तो आवेदक से प्रस्तुत किये गये गवाही और स्पष्टीकरणों में यह स्पष्ट हुआ कि उनसे किये गये निर्यात उनके मुद्दे अनिश्चित लाइसेंस और स्प्लिट अप लाइसेंस जारी करने के लिए दावा किया गया था, कन्माटियम के नाम पर है और 1981-82 के नीति पुस्तक के परिशिष्ट 22 में वर्णित गयी अनुमति भुने हुए और नमकीन किये गये काजू और उनकी गिरी नहीं है। यह भी स्पष्ट है कि उन्होंने तथ्यों की मिथ्या-व्यापन करके अनिश्चित लाइसेंस प्राप्त किया है।

पहले जो कुछ कहा जा चुका है उसे देखते हुए, अधोहस्ताक्षरी आयात (नियंत्रण) आदेश 1955 धारा 7-12-1955 के यथा संशोधित द्वारा

9(1) (ए) के अंतर्गत प्रत्येक व्यक्तिगत या प्रयोग करने हुए, सर्वश्री श्री जयम काशयुनेट्स कम्पनी मध्या 22, कुम्बकानम रोड पनरोट्टी-607106 की कन्माटियम के आधार पर जारी किये गये उपर्युक्त, रुपये 14,33,974/-, 5,00,000/-, 5,00,000/- के अनिश्चित और स्प्लिट अप लाइसेंस मध्या पीवी/0357982, पीवी/0357983 और पीवी/0357984/सी/एक्सएम 86/एम/81/1.1 दिनांक 21-1-83 को एनद्-डारा रद्द करता है।

[सं० प्रतिनिधित लाइसेंस/2/काश्य/81-82/एमएम/83/आरईपी-4]

एन० नरसिम्हन्, उप मुख्य नियंत्रक, आयात निर्यात करने ग्यक्त मध्य नियंत्रक, आयात-निर्यात

(Office of the Joint Chief Controller of Imports and Exports)

Madras, the 23rd November, 1983

CANCELLATION ORDER

Subject.—Cancellation of Additional Licence No. PV/0357982 and split up licence No. PV/0357983 for Rs. 14,33,974 dated 21st January, 1983 for Rs. 14,33,974, Rs. 5,00,000 and Rs. 5,00,000 respectively under clause 9(1)(a) of Import (Control) Order 1955.

S.O. 732.—An additional licence No. PV/0357982/CXX/86 M/81/1.1 dated 21st January, 1983 for Rs. 14,33,974 and 2 split up licence No. PV/0357983, 0357984/CXX/86 M/81/1.1 dated 21st January, 1983 for Rs. 5 lakhs each for import of items permissible as per para 186 of AM 83 policy were issued to M/s. Sree Jayam Cashewnuts Co., 22, Kumbakonam Road, Panruti-607106 for the licensing period April—March, 1983 against exports effected during 1981-82 and Export House Certificate No. 14/261/81 EP, III/1871 dated 25th February, 1982 issued to them as a consortia of SSI units consisting of : 1. M/s. Sree Jayam Cashewnuts Co., 22, Kumbakonam Rd, Panruti-607106 2. M/s. S. V. Ramamoothy & Sons, 9, V.C.C. St., Panruti-607106, 3. M/s. T. S. Rajamanickam Chettiar & Co., 12, V.C.C. St, Panruti, 4. M/s. T. R. Venkatachalam Chetty, Kumbakonam Road, Panruti-607106, 5. M/s. Sri Varavi & Co., 106, Bunglow St. Panruti, 6. M/s. Sri Abirami Cashew Traders, 33, Ramasamy Gounder St, Panruti, 7. M/s. Annapurani, 49, Kumbakonam Road, Panruti-607106, 8. M/s. Sri R. Pandurangam, 6, Chappani Chetty St. Panruti.

2. Therefore on verification of export documents it was found that the item said to have been exported as Cashew Kernels Roasted/salted was not reflected in their export documents pertaining to the exports of 1981-82 and hence the declaration given as Cashew Kernels Roasted/salted is false.

3. Besides, the exports claimed by them in respect of seven SSI units referred to above were not direct exports made by Consortia Export House and they were all indirect exports made by individual member-units and the Addl. licence obtained by them directly as a consortia Export House. The name of M/s. Sree Jayam Cashewnuts Co. is not appearing in any of the export documents of the said seven SSI units. The claim of Additional licence in favour of Consortia Export House on the basis of exports of other seven SSI units is wrong. It amounts to fabrication of Chartered Accountants' Certificate with inflated value and a false declaration which attracts the provisions of Imports (Control) Order, 1955 as amended from time to time. In view of the fact that the licences in question were issued inadvertently, a show cause notice No. Addl. Lic. 2/Cashews/81-82/AM83/REP-IV dated 24th March, 1983 was issued to the firm asking them to Show Cause as to why the aforesaid Additional Licence and split up licences issued in their favour should not be cancelled in terms of Clause 9(1)(a) of Import (Control) Order, 1955. A personal hearing also was issued to them on 12th April, 1983.

4. Neither documents already available in this Office nor evidences explanations offered by the firm proved that exports effected by them and claimed by them for issue of Addl. licence split up licences stand in the name of the Consortium and were not Cashew Kernels Roasted/Salted as permissible under Appendix 22 of Policy Book for 1981-82. It was also clear that they had obtained the Additional Licence by misrepresentation of facts.

5. Having regard to what had been stated above, the undersigned in exercise of the powers vested in him under Clause 9(1)(a) of the Imports (Control) Order, 1955 dated 7th December, 1955 as amended from time to time hereby cancel the above cited Additional licence and split up licences Nos. PV/0357982, PV/0357983 and PV/0357984/C/XX/86/M/81/1.1 dated 21st January, 1983 issued for Rs. 14,33,974; Rs. 5,00,000 and Rs. 5,00,000 respectively in favour of M/s. Sree Jayam Cashewnuts Co., No. 22, Kumbakonam Road, Panruti-607106 as Consortia Exports house.

[No. Addl. Lic. 2/Cashew/81-82/AM 83/REP-IV]
S. NARASIMHAN, Dy. Chief Controller
of Imports & Exports
for Jt. Chief Controller of Imports & Exports

मद्रास, 27 जनवरी, 1984

अविशेष संख्या : 10/84

कां० प्रा० 733 सर्वश्री तमिलनाडु केमिकल प्रोडक्ट्स लिमिटेड, कोविलूर 623319, रामनाडु जिला को, अप्रैल 83-मार्च 84 अवधि के लिए रुपये 18,99,294/- तक, निम्नलिखित शिपिंग्गिण्टिकरणों का आयात करने के लिए आयात लाईसेंस संख्या पी/डी/2231942/सी/एक्स/88 एम/82 दिनांक 9-9-83 जारी किया गया था : 365 (10) / 3 (1274 टन)।

आकार	स्टार्ट क्रिस्टलाईज पाउडर
सोडियम फॉर्मेट कन्टेन्ट	95.0 प्रतिशत (भारतानुसार) निम्नतम
आर्गनिक इम्प्यूरिटिज	4.0 प्रतिशत (भारतानुसार) अधिकतम
जल	4.0 प्रतिशत (भारतानुसार) अधिकतम
हेवी मेटल	5 पीपी एम (भारतानुसार) अधिकतम
लोहा	5 पी पी एम (भारतानुसार) अधिकतम
सल्फेट	0.01 प्रतिशत (भारतानुसार) अधिकतम

जल अवशेष तथा फॉर्मलडीहाइड में मुक्त।

लाईसेंसधारी से उपर्युक्त लाईसेंस की सीमाशुल्क प्रयोजनार्थ प्रति की अनुमति प्रति जारी करने के लिए, इसलिए आवेदन किया गया है कि उपर्युक्त लाईसेंस किसी भी सीमाशुल्क प्राधिकारी से पंजीकृत करवाये बिना और उपयोग में लाये बिना खो दी गयी है।

आवेदक ने अपने तर्कों के समर्थन में एक शपथपत्र दाखिल किया है। अधोहस्ताक्षरी इस बात से संतुष्ट है कि लाईसेंस संख्या पी/डी/2231942/सी/एक्स/88 एम/82 दिनांक 9-9-83 की सीमाशुल्क प्रयोजनार्थ प्रति की मूल प्रति खा दी गयी है और आवेदन देना है कि आवेदक को उपर्युक्त लाईसेंस की सीमाशुल्क प्रयोजनार्थ प्रति की अनुमति प्रति जारी किया जाय। लाईसेंस की मूल प्रति एतद्द्वारा रद्द किया जाता है।

अनुमति लाईसेंस संख्या डी/2464828 दिनांक 13-1-1984 (सीमाशुल्क प्रयोजनार्थ प्रति) भ्रमण जारी किया जाता है।

[सं० आई टी मा/डी जी टी डी/मस्प/क 16 ए एम 83/एच 1]

सी० आ० फेरान्डेस, उप मुख्य निर्यात आयात-नियंत्रक

Madras, the 27th January, 1984

ORDER No. 10/84

S.O. 733.—M/s Tamilnadu Chemical Products Ltd., Koviloor 623319, Ramnad District were granted supplementary Import licence No. P/D/2231942/C/XX/88/M/82 dated 9-9-83 for Sodium formate of the following specifications : 365(10)/3 (1274 tonnes).

Appearance	White crystalline powder
Sodium Formate Content	95.0% (by weight) min.
Organic Impurities	4.0% (by weight) max.

Water	4.0% (by weight) max.
Heavy Metals	5 ppm (by weight) max.
Iron	5 ppm (by weight) max.
Sulphate	0.01% (by weight) max.
Free from Formaldehyde and water-insoluble matters.	

For a CIF value of Rs. 48,99,294/- for the period April '83/ March '84. They have requested this office to issue a duplicate Customs purpose copy of Licence, which have been lost without having been registered with the Custom authority and utilised at all.

In support of their contention the applicant has filed an affidavit. The undersigned is satisfied that original customs purposes copy of the licence No. P/D/2231942/C/XX/88/M/82 dated 9-9-83 have been lost and directs that a duplicate copy of the said licence (Customs purposes only) should be issued to them. The original copy of the licence is hereby cancelled.

Duplicate licence No. D. 2464828 dt. 13-1-1984 (Customs purposes copy of licence) have been issued separately.

[No. ITC/DGTD/Suppl. 16/AM84/AU-J]

C.G. FERNANDES, Dy. Chief Controller of Imports & Exports

इस्पात और खान मंत्रालय

(इस्पात विभाग)

नई दिल्ली, 20 फरवरी, 1984

कां० प्रा० 734 केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग (नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में "संघ" के अनुसंधान एवं विकास केन्द्र, पोस्ट हीनू, जिला राँची बिहार को, जिसके कर्मचारी युद्ध ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[ई० 11011-(2)/84-हिन्दी]

नरदेव सिंह, अवर सचिव

MINISTRY OF STEEL AND MINES

(Department of Steel)

New Delhi, the 20th February, 1984

S.O. 734.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for Official purposes of the Union) Rules 1976, the Central Government hereby notifies Research & Development Centre for Iron & Steel of SAIL, P.O. Hinoo, District Ranchi (Bihar), the staff whereof have acquired the working knowledge of Hindi.

[No. E. 11011(2)/84-Hindi]

NARDEO SINGH, Under Secy.

ऊर्जा मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 22 फरवरी, 1984

कां० प्रा० 735 यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में हजीरा बग्गी में जगदीश 10 तक पेट्रोलियम के परिवहन के लिये पाईपलाईन लेन तथा प्राकृतिक गैस आयोग द्वारा विचार्य जानी चाहिए।

और यह प्रतीत होता है कि ऐसी लाईनों को विद्युत के प्रयोजन के लिये एनर्जाइज्ड प्रत्युत्ती में वर्जित भूमि में उपयोग का अधिकार प्रदान करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बनते कि उक्त भूमि में हितवन्त कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आशेष सक्षम प्राधिकारी, तम तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड़, बड़ोदरा-को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेंगे।

और ऐसा आशेष करने वाला हर व्यक्ति निनिविष्टता यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

हजिरा से बरेली से जगदीशपुर तक पाइपलाइन बिछाने के लिए

राज्य	गुजरात :	जिला : सुरत	तालुका : चौर्यासी		
गांव	सर्वे नं०	हेक्टर	आर०	सेन्टीयर	
इच्छापुर	554/1	0	39	50	
	554/2	0	21	30	
	535	0	02	54	
	555/1	0	30	00	
	555/2	0	22	20	
	532	0	00	95	
	565	0	26	00	
	566	0	07	80	
	530/4	0	00	06	
	530/3	0	14	96	
	576	0	08	90	
	575	0	08	65	
	574	0	00	90	
	581/1	0	15	50	
	580	0	22	80	
	582/2	0	27	70	
	501	0	40	90	
	500/1	0	13	00	
	282	0	31	70	
	283	0	05	50	
	284	0	27	90	
	298	0	03	04	
	299	0	00	56	
	297	0	16	20	
	300/1	0	03	04	
	300/3	0	09	70	
	271/4	0	07	50	
	270/3	0	27	38	
	270/4	0	11	00	
	271/5	0	46	35	
	959	0	02	24	

[सं० सी०-12016/2/84-प्रोड]

के० सी० कटोच, डेस्क अधिकारी

MINISTRY OF ENERGY

(Department of Petroleum)

New Delhi, the 22nd February, 1984

S.O. 735.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from HAJIRA-BAREILLY to JAG-

DISHPUR in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from Hajira-Bareilly to Jagdishpur				
State : Gujarat	District : Surat	Taluka : Choryasi		
Village	Survey No.	Hectares	Are	Centiare
Ichhapur	554/1	0	39	50
	554/2	0	21	30
	535	0	02	54
	555/1	0	30	00
	555/2	0	22	20
	532	0	00	95
	565	0	26	00
	566	0	07	80
	530/4	0	00	06
	530/3	0	14	96
	576	0	08	90
	575	0	08	65
	574	0	00	90
	581/1	0	15	50
	580	0	22	80
	582/2	0	27	70
	501	0	40	90
	500/1	0	13	00
	282	0	31	70
	283	0	05	50
	284	0	27	90
	298	0	03	04
	299	0	00	56
	297	0	16	20
	300/1	0	03	04
	300/3	0	09	70
	271/4	0	07	50
	270/3	0	27	38
	270/4	0	11	00
	271/5	0	46	35
	959	0	02	24

[No. O-12016/2/84-Prod.]

K.C. KATOCI, Desk Officer

का० आ० 736 :—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निविष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त निविष्ट भूमि में व्ययन स्थल सं० एन० एन० ए० एन० से एम० एन० ए० टी० तक पेट्रोलियम परिवहन के लिए भूमि में उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड 37 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 27-3-83 से समाप्त कर दिया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अन्तर्गत सक्षम प्राधिकारी एतद्द्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

एस० एन० ए० एक्स से एस० एन० ए० टी तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का०आ०सं०	भारत के राज्यपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
ऊर्जा मंत्रालय (पेट्रोलियम विभाग)	संथाल	3925	15-10-83	27-3-83

[सं० ओ-12016/83/83-प्रोड]

S. O. 736.—Whereas by the notification of Govt. of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. SNAX to SNAT in Gujarat State.

AND WHEREAS the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 27-3-83 Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D. S. Snax to Snat.

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Ministry of Energy (Deptt. Petroleum)	Santhal	3925	15-10-83	27-3-83

[No. O-12016/83/83-Prod.]

का० आ० 737.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययन स्थल सं० डब्ल्यू० एस० एस० सी० से डब्ल्यू० एस० एस० ए० तक पेट्रोलियम परिवहन के लिए भूमि में उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 27-12-82 से समाप्त कर दिया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अन्तर्गत सक्षम अधिकारी एतद्द्वारा

उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

डब्ल्यू० एस० एस० सी० से डब्ल्यू० एस० एस० ए० तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का०आ०सं०	भारत के राज्यपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
ऊर्जा मंत्रालय (पेट्रोलियम विभाग)	हेडवा हणमन्त	3803	8-10-83	27-12-82

[सं० 12016/23/83-प्रोड०]

S. O. 737.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. WSSC to WSSA in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 27-12-82.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. WSSC to WSSA.

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Ministry of Energy, (Deptt. of Petroleum)	Hedva-Hanwant	3803	8-10-83	27-12-82

[No. 12016/23/83-Prod]

का० आ० 738.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययन स्थल सं० जे० एन० पी० से जोटाणा जी० जी० एम तक पेट्रोलियम परिवहन के लिए भूमि में उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 1-3-83 से समाप्त कर दिया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग का अर्जन) नियम, 1963 के नियम 4 के अन्तर्गत सक्षम प्राधिकारी एतद्द्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

ज० एन० पी० से जोटाणा जी० जी० एस तक पाइप लाइन कार्य समाप्ति
मंत्रालय का नाम गांव का० आ० सं० भारत के कार्य समाप्ति
राजपत्र में की तिथि
प्रकाशन की तिथि

ऊर्जा मंत्रालय जोटाणा 2926 15-10-83 1-3-83
(पेट्रोलियम विभाग)

[सं० ओ-12016/85/83-प्रोड]

S.O. 738.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. JNP to Jotana GGS in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 1-3-83.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. JNP to Jotana GGS.

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Ministry of Energy, (Deptt. of Petroleum)	Jotana	3926	15-10-83	1-3-83

[No. O-12016/85/83-Prod.]

का० आ० 739.—यत् भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यधन स्थल सं० एस० उदल्यु० एस० जी० से मोटवान (जी० सी० एस०) तक पेट्रोलियम परिवहन के लिए भूमि में उपयोग के अधिकार अर्जन किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 17-3-83 से समाप्त कर दिया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अन्तर्गत सक्षम प्राधिकारी एन० डी० द्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

एस० डब्ल्यू० एस० जी० से मोटवान (जी० सी० एस०) तक पाइपलाइन कार्य समाप्ति
मंत्रालय का नाम गांव का० आ० सं० भारत के कार्य समाप्ति
राजपत्र में की तिथि
प्रकाशन की तिथि

ऊर्जा मंत्रालय मोटवान 3814 8-10-83 17-3-83
(पेट्रोलियम विभाग)

[सं०-12016/32/83-प्रोड]

S.O. 739.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. SWMD to Motwan (GCS) in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 17-3-83.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. SWMD to Motwan (GCS)

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Ministry of Energy, (Deptt. of Petroleum)	Motwan	3814	8-10-83	17-3-83

[No. 12016/32/83-Prod.]

का० आ० 740.—यत् भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यधन स्थल सं० एस० एन० ए० एन० से एस० एन० ए० एस० से एस० एन० ए० एस० तक पेट्रोलियम परिवहन के लिए भूमि में उपयोग के अधिकार अर्जन किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 22-10-82 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अन्तर्गत सक्षम प्राधिकारी एन० डी० द्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूचा

एस० एन० ए० एन० से एस० एन० ए० एस० से एस० एन० ए० एस० तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का० आ० सं०	भारत के कार्य समाप्ति की तिथि	राजपत्र में प्रकाशन की तिथि
ऊर्जा मंत्रालय	मोतवान	3820	8-10-83	22-10-82

(पेट्रोलियम विभाग)

[सं० 12016/25/83-प्रोड]

S.O. 740.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. SNAN to SNAS to SNAJ in Gujarat State.

And Whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 22-10-82.

Now Therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. SNAN to SNAB.

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Energy, (Deptt. of Petroleum)	Santhal	3820	8-10-83	22-10-82

[No. 12016/25/83-Prod.]

का० आ० 741.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ सलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययक्त स्थल सं० जे० एन० एन० से जोटाणा जी० जी० एम०-1 तक पेट्रोलियम परिवहन के लिए भूमि में उपयोग के अधिकार अर्जन किये गये हैं।

तेज एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 8-10-82 में समाप्त कर दिया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सश्रम प्राधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

जे० एन० एन० से जोटाणा जी० जी० एम०-1 तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का० आ० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
ऊर्जा मंत्रालय (पेट्रोलियम विभाग)	माकणज	3690	1-10-83	8-10-82

[सं० 12016/14/83 प्रोड.]

S.O. 741.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. JNN to Jotana GGS-1 in Gujarat State.

And Whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 8-10-82.

Now Therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. JNN to Jotana GGS-1.

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Ministry of Energy, (Deptt. of Petroleum)	Maknaji	3690	1-10-83	8-10-82

[No. 12016/14/83-Prod.]

का० आ० 742.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ सलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययक्त स्थल सं० एम० एन० एन० जी० से एम० एन० एन० आई० तक पेट्रोलियम परिवहन के लिए भूमि में उपयोग के अधिकार अर्जन किये गये हैं।

तेज एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 15-3-82 में समाप्त कर दिया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सश्रम प्राधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

एम० एन० एन० जी० से एम० एन० एन० आई० तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का० आ० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
ऊर्जा मंत्रालय (पेट्रोलियम विभाग)	मंथान	3810	8-10-83	15-3-82

[सं० 12016/21/83-प्रोड.]

S.O. 742.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. SNAB to SNAB in Gujarat State.

And Whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 15-3-83.

Now Therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. SNAB to SNAB.

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Ministry of Energy, (Deptt. of Petroleum)	Santhal	3810	8-10-83	15-3-82

[No. 12016/21/83-Prod.]

का० आ० 743:—यत् भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (i) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवहन स्थल सं० जे० एन० एम० से जे० एन० ए० तक पेट्रोलियम परिवहन के लिए भूमि में उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपयुक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 4-2-82 में समाप्त कर दिया है।

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अन्तर्गत सक्षम प्राधिकारी एतद्वारा उक्त निधि को कार्य समाप्ति की निधि अधिसूचित करने हैं।

अनुसूची

जे० एन० एम० से जे० एन० ए० तक पाईप लाईन कार्य समाप्ति

मंत्रालय का नाम	गाँव	का० आ० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
ऊर्जा मंत्रालय (पेट्रोलियम विभाग)	मिहमना	2151	4-8-83	4-2-82

[सं० ओ० 12016/53/82 प्रोड.]

S.O. 743.—WHEREAS by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. JNM to JNA in Gujarat State.

AND WHEREAS the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 4-2-82.

NOW, THEREFORE, under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. JNM to JNA.

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Ministry of Energy (Deptt. of Petroleum)	Sidwana	2451	4-6-83	4-2-82

[No. O-12016/53/82-Prod.]

नई दिल्ली, 23 फरवरी, 1984

का० आ० 744:—यत् भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (i) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवहन स्थल सं० एन० के० डी० वाई०

से एन० के० 67 तक पेट्रोलियम परिवहन के लिए भूमि में उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपयुक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 6-4-82 में समाप्त कर दिया है।

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अन्तर्गत सक्षम प्राधिकारी एतद्वारा उक्त निधि को कार्य समाप्ति की निधि अधिसूचित करने हैं।

अनुसूची

एन० के० डी० वाई० से एन० के० 67 तक पाईप लाइन कार्य समाप्ति

मंत्रालय का नाम	गाँव	का० आ० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
ऊर्जा मंत्रालय (पेट्रोलियम विभाग)	मेमदपुरा	3812	8-10-83	6-4-82

[सं० 12016/24/83-प्रोड.]

New Delhi, the 23rd February, 1984

S.O. 744.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. Nk Dy to NK 67 in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 6-4-82.

Now, Therefore, under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of pipeline from D.S. Nk Dy to Nk-67

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Ministry of Energy, (Deptt. of Petroleum)	Memadpura	3812	8-10-83	6-4-82

[No. 12016/24/83-Prod.]

का० आ० 745:—यत् भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवहन स्थल सं० जे० एन० आई० से जे० 4 से जोटाणा जी० जी० एम० तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपयुक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 30-9-82 में समाप्त कर दिया गया है।

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करने हैं।

अनुसूची

जे० एन० आई० से जे० 4 जोटाना जी जो एन तक पाइप लाइन कार्य समाप्ती

मंत्रालय का नाम	गांव	का० आ० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
ऊर्जा मंत्रालय पेट्रोलियम विभाग	माकणज	3819	8-10-83	30-9-82

[सं०-12016/22/83-प्रोड]

S.O. 745—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. JNI to J-4 to Jotana GGs in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 30-9-82.

Now, therefore, under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963 the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of pipeline from D.S. JNI to J-4 to Jotana GGs.

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Ministry of Energy, (Deptt. of Petroleum)	Maknaji	3819	8-10-83	30-9-82

[No.-12016/22/83-Prod.]

का० आ० 746 :—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययन स्थल सं० एस० डी० के० से एस० डी० ई० तक पेट्रोलियम परिवहन के लिए भूमि में उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपयुक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 20-3-83 से समाप्त कर दिया है।

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम प्राधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

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अनुसूची

एस० डी० के० से एस० डी० ई० तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का० आ० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
ऊर्जा मंत्रालय (पेट्रोलियम विभाग)	अडादरा	3815	8-10-83	20-3-83

[सं०-12016/34/83-प्रोड]

S.O. 746—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipelines (Acquisition of Right of user in land) Act 1962 the right of user has been acquired in the lands specified in the schedule appended there to for the transport of petroleum, from d.s. Sdk to SDE in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 20-3-83.

Now, therefore, under Rule 4 of the Petroleum Pipelines, (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of pipeline from D S. SDK to SDE.

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Ministry of Energy, (Deptt. of Petroleum).	Adadra	3815	8-10-83	20-3-83

[No. 12016/34/83-Prod]

का० आ० 747 :—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययन स्थल सं० एस० एन० डी० से एस० एन० ए० एच० तक पेट्रोलियम परिवहन के लिए भूमि में उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपयुक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 4-2-82 से समाप्त कर दिया है।

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

एस० एन० डी० से एस० एन० ए० एच० तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का० आ० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
ऊर्जा मंत्रालय (पेट्रोलियम विभाग)	सथान	2375	28-5-83	4-2-82

[सं० आ०-12016/54/82-प्रोड]

S.O. No. 747.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issue under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s SNZ to SNAH in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 4-2-82

NOW, THEREFORE, under Rule 4 of the Petroleum pipelines (Acquisition of right of use, in land, Rules 1963 the Competent Authority hereby notices the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. SNZ to SNAH

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Ministry of Energy, (Deptt. of Petroleum)	Santhal	2375	28-2-83	4-2-82

[No. O-12016/54/82-Prod]

का० आ० 748 :—यत्, भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निरदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययक्त स्थल सं० एम० एन० ए० आर० से एम० एन० ए० पी० तक पेट्रोलियम परिवहन के लिए भूमि में उपयोग के अधिकार अर्जित किये गये हैं।

तेज एवं प्राकृतिक गैस आयोग ने उपयुक्त निगम के खण्ड-7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 2-8-82 से समाप्त कर दिया है।

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत मन्त्र प्राधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करने हैं।

अनुसूची

एम० एन० ए० आर० से एम० एन० ए० पी० तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का०आ० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
ऊर्जा मंत्रालय (पेट्रोलियम विभाग)	संथाल	3816	8-10-83	2-8-82

[सं० ओ-12016/72/82-प्रोड]

S.O. 748.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act 1962 the right of user has been acquired in the lands specified in the schedule

appended thereto for the transport of petroleum from d.s. SNAR to SNAP in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 2-8-82.

Now, therefore, under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963 the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of pipeline from D.S. SNAR to SNAP

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Ministry of Energy, (Deptt. of Petroleum)	Santhal	3816	8-10-83	2-8-82

[No. O-12016/72/82-Prod]

का० आ० सं० 749 :—यत् भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निरदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययक्त स्थल सं० कूप नं० 71 टी एण्ड सी से जी० जी० एन० 6 तक पेट्रोलियम परिवहन के लिए भूमि में उपयोग के अधिकार अर्जित किये गये हैं।

तेज एवं प्राकृतिक गैस आयोग ने उपयुक्त निगम के खण्ड 7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-12-82 से समाप्त कर दिया है।

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत मन्त्र प्राधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

कूप नं० 71 टी एण्ड सी से जी० जी० एन० 6 तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का०आ० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
ऊर्जा मंत्रालय (पेट्रोलियम विभाग)	हजान	1979	30-4-83	16-12-82

[सं० ओ-12016/71/82-प्रोड]

S.O. 749.—Whereas by the notification of Government of India as shown in the Schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from D.S. Well No. 71 T & C to GGS-6 in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-12-82.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1962, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of pipeline from D.S. Well no. 71 T & C to GGS-6

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Energy, Deptt. of Petroleum	Hajat	1979	30-4-83	16-12-82

[No. O-12016/71/82-Prod.]

क्र० आ० 750 :-यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यपन स्थल सं० बालनेर-1 से मोटवान जी० सी० एस० तक पेट्रोलियम परिवहन के लिए भूमि में उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपयुक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 14-6-83 से समाप्त कर दिया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अन्तर्गत सक्षम प्राधिकारी एतद्द्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

बालनेर-1 से मोटवान जी० सी० एस० तक पाइप लाइन कार्य समाप्ति

मन्त्रालय का नाम	गांव	क्र०आ० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
ऊर्जा मन्त्रालय (पेट्रोलियम विभाग)	मोटवान	3923	15-10-83	14-6-83

[सं० ओ-12016/73/82-प्रोड]

S.O. 750 Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. Walner-1 to Motwan GCS in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 14-6-83.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of use in land) Rules, 1963, the Competent

Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of pipelines from D.S. Walner-1 to Motwan GCS.

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Energy Deptt. of Petroleum	Motwan	3923	15-10-83	14-6-8

[No. O-12016/73/82-Prod.]

क्र० आ० सं० 751 :-यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यपन स्थल सं० एन० के० ए० एस० से जी० जी० एस० कम सी० टी० एफ० तक पेट्रोलियम परिवहन के लिए भूमि में उपयोग के अधिकार अर्जित किये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपयुक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (2) में विनिर्दिष्ट कार्य दिनांक 26-4-82 से समाप्त कर दिया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अन्तर्गत सक्षम प्राधिकारी एतद्द्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

एन० के० ए० एस० से जी० जी० एस० कम सी० टी० एफ० तक पाइप लाइन कार्य समाप्ति

मन्त्रालय का नाम	गांव	क्र०आ० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
ऊर्जा मन्त्रालय (पेट्रोलियम विभाग)	बालसासन	2449	4-6-83	26-4-82

[सं० ओ-12016/64/82-प्रोड]

S.O. 751 Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipelines (Acquisition of Right of user in land) Act 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from ds. NKAM to Ghs Cum CTF Kadi in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 26-4-82.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of pipeline from D.S. NKAM to Ghs Cum CTF Kadi

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Energy, Deptt. of Petroleum	Balsasan	2449	4-6-83	26-4-82

[No. O-12016/64/82-Prod]

का० आ० 752 :—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यपन स्थल सं० एस० एन० ए० बी० से एस० एन० ए० आई० तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपयुक्त नियम के खण्ड 7 के उप-खण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 15-3-82 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अन्तर्गत सक्षम प्राधिकारी एतद्द्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

एस० एम० ए० बी० से एस० एन० ए० आई० तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गाँव	का०आ० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
ऊर्जा मंत्रालय (पेट्रोलियम विभाग)	कसलपुरा	3817	8-10-83	15-3-82

[सं० ओ-12016/19/83-प्रोड]

S.O. 752.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Mineral Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. SNAB to SNAI in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 15-3-82.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of pipeline from D.S. SNAB to SNAI

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Energy, Deptt. of Petroleum	Kasalpura	3817	8-10-83	15-3-82

[No. O-12016/19/83-Prod.]

का० आ० 753 :—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यपन स्थल सं० कूप नं० 119 से जी० जी० एस० V तक पेट्रोलियम परिवहन के लिए भूमि में उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपयुक्त नियम के खण्ड 7 के उप-खण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 17-3-83 से समाप्त कर दिया है।

अतः अब पेट्रोलियम पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अन्तर्गत सक्षम प्राधिकारी एतद्द्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

कूप नं० 119 से जी० जी० एस० V तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गाँव	का०आ० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
ऊर्जा मंत्रालय (पेट्रोलियम विभाग)	सरथाण	3367	25-9-82	17-3-83

[सं० ओ-12016/31/81-प्रोड]

ह०/- गुजरात के लिए नियमान्तर्गत सक्षम प्राधिकारी

S.O. 753.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s.-Well no 119 to Ghs V in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 17-3-83.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of pipeline from D.S. Well No. 119 to Ghs V

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Energy, Deptt. of Petroleum	Sarthan	3367	25-9-82	17-3-83

[No. O-12016/31/81-Prod.]

Sd/-
Illegible

Competent Authority under the Act for Gujarat

ग्रामीण विकास मंत्रालय

नई दिल्ली, 28 फरवरी, 1984

का० ग्रा० 754:—मधु श्रेणीकरण और चिन्हांकन नियम, 197 का संशोधन करने के लिए, प्रारूप नियम, कृषि उत्पाद (श्रेणीकरण और चिन्हांकन) अधिनियम 1937 (1937 का 1) की धारा 3 की अपेक्षा-नुसार, भारत के राजपत्र भाग 2, खंड 3 उपखंड (ii) में पृष्ठ 1279-1280 पर भारत सरकार के ग्रामीण विकास मंत्रालय की अधिसूचना सं० का० ग्रा० 1432 तारीख 18 फरवरी, 1983 के अधीन उन सभी व्यक्तियों से उक्त अधिसूचना के राजपत्र में प्रकाशन की तारीख से पैंतालीस दिन की समाप्ति से पहले आक्षेप और सुझाव आमंत्रित करते हुए जिनके उससे प्रभावित होने की संभावना है, प्रकाशित किए थे।

उक्त राजपत्र की प्रतियां तारीख 16 मार्च, 1983 को जनता का उपलब्ध करा दी गयी थी:

उक्त प्रारूप की बाबत जनता से आक्षेप सुझावों पर केन्द्रीय सरकार ने विचार कर लिया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मधु श्रेणीकरण और चिन्हांकन नियम, 1970 का संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

- (1) इन नियमों का संक्षिप्त नाम मधु श्रेणीकरण और चिन्हांकन (संशोधन) नियम, 1984 है।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
- मधु श्रेणीकरण और चिन्हांकन नियम, 1970 में—
 - (क) नियम 5 के उपनियम (3) में "शुद्ध वजन" शब्दों के पश्चात् "10 ग्राम" शब्द और शब्द अन्तःस्थापित किए जाएंगे।
 - (ख) अनुसूची 1 में—
 - (1) श्रेणी अभिधान "श्रेणी क" के सामने स्तम्भ 9 में "0.90" शब्द के स्थान पर "0.95" शब्द रखा जाएगा।
 - (2) श्रेणी अभिधान "मानक" के सामने स्तम्भ 9 में "0.90" शब्द के स्थान पर "0.95" शब्द रखा जाएगा।

टिप्पण:—मधु श्रेणीकरण और चिन्हांकन नियम, 1970 भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 14 फरवरी 1970 में पृष्ठ 813 से 821 पर खाद्य कृषि, समुदाय विकास और सहकारिता मंत्रालय की सरकारी अधिसूचना सं० का० ग्रा० 537 तारीख 2 फरवरी, 1970 के अधीन प्रकाशित किए गए थे और तत्पश्चात् निम्नलिखित द्वारा संशोधन किया गया।

- (i) सरकारी अधिसूचना सं० का० ग्रा० 3320 तारीख 30 सितम्बर 1977, भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii)

तारीख 22 अक्टूबर 1977 में पृष्ठ 3768 और 3769 पर प्रकाशित की गयी।

- (ii) सरकारी अधिसूचना सं० का० ग्रा० 2124 तारीख 24 अक्टूबर 1981 भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 14 नवम्बर, 1981 में, पृष्ठ 3650 पर प्रकाशित की गयी।

[सं० 10-1/82 एम-1]

बी० के० बाजाज, प्रवर सचिव

MINISTRY OF RURAL DEVELOPMENT

New Delhi, the 28th February, 1984

S.O. 754.—Whereas the draft rules to amend the Honey Grading and Marking Rules, 1970 were published as required by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), at page numbers 1279 to 1280 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 5th March, 1983 under the Notification of the Government of India in the Ministry of Rural Development, No. S.O. 1432, dated the 18th February, 1983, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of forty-five days from the date of publication of the said notification in the official Gazette;

And whereas the copies of the said Gazette were made available to the public on the 16th March, 1983;

And whereas comments/suggestions received from the public, in respect of the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by the section 3 of the said Act, the Central Government hereby makes the following rules to amend the Honey Grading and Marking Rules, 1970, namely:—

RULES

1. (1) These rules may be called the Honey Grading and Marking (Amendment) Rules, 1984.

(2) They shall come into force from date of their publication in the official Gazette.

2. In the Honey Grading Marking Rules, 1970—

- (a) in rule 5, in sub-rule (3), after the words "shall be" the figure and word "10 gms." shall be inserted;
- (b) In schedule I,—
 - (i) against grade designation "Grade A", in column 9, for the figure "0.90", the figure "0.95" shall be substituted;
 - (ii) against grade designation "Standard" in column 9, for the figure "0.90", the figure "0.95" shall be substituted.

NOTE:

The Honey Grading and Marking Rules, 1970, were published in the Gazette of India, Part II, Section 3(ii) dated February 14, 1970 at pages 813 to 821 under Government Notification, Ministry of Food, Agriculture, Community Development and Cooperation No. S.O. 537 dated the 2nd February, 1970 and were subsequently amended by;

- (i) Government Notification No. S.O. 3320 dated the 30th September, 1977, published in the Gazette of India, Part II, Section 3(ii), dated October 22, 1977, at page 3768 and 3769.
- (ii) Government Notification No. S.O. 3124 dated the 24th October, 1981 published in the Gazette of India, Part II, Section 3(ii), dated November 14, 1981 at page 3650.

[No. 10-1/82-M. I]

B. K. BAJAJ, Under Secy.

मौजहून और परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 15 फरवरी, 1984

का० आ० 755:—केन्द्रीय सरकार, डाक कर्मचारी (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, डाक श्रम बोर्ड के निम्नलिखित अधिकारियों को उक्त अधिनियम के प्रयोजनार्थ निरीक्षक नियुक्त करती है; अर्थात् :—

- | | |
|--|-------------------|
| 1. सचिव और कार्मिक अधिकारी,
विशाखापतनम् डॉक श्रम बोर्ड,
विशाखापतनम् | विशाखापतनम् पत्तन |
| 2. सचिव, मॉर्मगाओ डॉक श्रम बोर्ड
मॉर्मगाओ | मॉर्मगाओपत्तन |
| 3. प्रशासनिक अधिकारी जो कलकत्ता डाक कर्मकार
(नियोजन का विनियमन) स्कीम, 1970 के अधीन
है। | कलकत्ता पत्तन |
| 4. प्रशासनिक अधिकारी जो कलकत्ता छीलन तथा
रंगरोमन कर्मकार (नियोजन का विनियमन)
स्कीम 1970 के अधीन है। | कलकत्ता पत्तन |
| 5. कार्यपालक अधिकारी जो कलकत्ता डॉक लिफ्ट-
कीय और पर्यवेक्षी कर्मकार (नियोजन का
विनियमन) स्कीम, 1970 के अधीन है। | कलकत्ता पत्तन |

[फा० सं० एल डी बी/32/82-एल-IV]

वी० शंकरलिंगम, उप सचिव

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 15th February, 1984

S.O. 755.—In exercise of the powers conferred by sub-Section (1) of section 6 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby appoints the following officers of the Dock Labour Boards to be the Inspectors for the purposes of the said Act, namely:—

- | | |
|--|-----------------------|
| 1. Secretary-cum-Personnel Officer,
Visakhapatnam Dock Labour Board,
Visakhapatnam | Visakhapatnam
Port |
| 2. Secretary, Mormugao Dock Labour
Board, Mormugao | Mormugao
Port |
| 3. Administrative Officer under
Calcutta Dock Workers (Regulation
of Employment) Scheme, 1970 | Calcutta
Port |
| 4. Administrative Superintendent under
Calcutta Chipping and Painting
Workers (Regulation of Employment)
Scheme, 1970 | Calcutta
Port |
| 5. Executive Officer under Calcutta
Dock Clerical and Supervisory
Workers (Regulation of Employment)
Scheme, 1970. | Calcutta
Port |

[File No. LDB/32/82-L-IV]

V. SANKARALINGAM, Dy. Secy.

(पत्तन पक्ष)

नई दिल्ली, 22 फरवरी, 1984

आदेश

का० आ० 756 :—केन्द्रीय सरकार, भारतीय पत्तन अधिनियम, 1908 (1908 का 15) की धारा 34 तथा 35(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अर्ध सहायक के लिए उक्त अधिनियम की

धारा 36 के अधीन नियुक्त किए गए संबंधित प्राधिकारियों से परामर्श करने के पश्चात् युनेस्को के तत्वाधान के अधीन पोतिस नेशनल और पोलिश याचूट एसोसिएशन के सहयोग से आयोजित क्रुज वेंसल "पोगोरा" को बंबई पोर्ट पर उसके जनवरी से मार्च, 1984 तक आने के लिए उक्त अधिनियम की धारा 33 और 35 के तहत पत्तन को बकाया राशि पायलेट और अन्य शुल्क से छूट प्रदान करती है।

[फा० सं० पी डब्ल्यू/पी जी एम/90/83]

थोमस मैथ्यू, अवर सचिव

(Ports Wing)

New Delhi, the 22nd February, 1984

ORDER

S.O. 756.—In exercise of the powers conferred by sections 34 and 35(3) of the Indian Ports Act, 1908 (15 of 1908), the Central Government, after consulting the authorities appointed under section 36 of the said Act for the Major Port of Bombay, hereby exempt the cruise vessel 'Pogora' sponsored by Polish national under the auspices of UNESCO and the Polish Yacht Association, from the payment of the port dues, pilotage and other fees leviable under sections 33 and 35 of that Act at the Major Port of Bombay during her visits to that port from January to March, 1984.

[File No. PW/PGM/90/83]

THOMAS MATHEW, Under Secy.

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 22 फरवरी, 1984

का०आ० 757.—भारतीय रेल अधिनियम, 1890 (1890 का अधिनियम IX) की धारा 82-ख द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उत्तर रेलवे के स्टेशन बहादुरगढ़ पर 10-2-84 को 38 डाउन (पंजाब मेल) और 2 बी गार (दिल्ली रोहतक पैसंजर शटल) के बुर्चटना प्रस्त होने के फलस्वरूप उत्पन्न होने वाले सभी बावों के निपटारे के लिए श्री जे०के० सुद, अतिरिक्त जिला एवं सत्र न्यायाधीश, रोहतक को तदर्थ बाबा प्रायुक्त के रूप में नियुक्त करती है। उनका मुख्यालय रोहतक में होगा।

[सं० 84ई(घो)II-1/1]

अजय जोहरी, सचिव, रेलवे बोर्ड एवं

भारत सरकार के पदेन संयुक्त सचिव

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 22nd February, 1984

S.O. 757.—In exercise of the powers conferred by Section 82 B of the Indian Railways Act, 1980 (Act IX of 1980), the Central Government hereby appoints Shri J.K. Sud, Addl. District & Session Judge, Rohtak as Ad-hoc Claims Commissioner to deal with all the claims arising out of the accident involving 38 DN (Punjab Mail) and 2 DR (Delhi-Rohtak Passenger Shuttle) at Bahadurgarh Station of Northern Railway on 10-2-84. His headquarters will be at Rohtak.

[No. 84/E(O)II/1/1]

A. JOHRI, Secy. Railway Board and ex-officio

Jt. Secy. to the Govt. of India

श्रम तथा पुनर्वास मंत्रालय

(श्रम विभाग)

नई दिल्ली, 1 फरवरी, 1984

आदेश

का० आ० 758 :—केन्द्रीय सरकार की राय है कि इससे उपायय अनुसूची में विनिर्दिष्ट विषय के बारे में शिवराय बाक्सहाट माइन्स वेरकोड, तमिलनाडु के प्रबंधक से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को व्यापनिर्णयन के लिए निर्देशित करना बांझनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री टी० अन्नराज होंगे, जिनका मुख्यालय मद्रास में होगा और उक्त विवाद को उक्त अधिकरण को व्यापनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"यथा मद्रास एम्प्लियम कम्पनी लिमिटेड, मित्रु श्रांश के पञ्चमत्व द्वारा शिवराय बाबसाहेब माडम्, यरकोड, ममिलनाशु के 91 कर्मचारों जिनके विवरण अनुबन्ध में दिये गये हैं, की 13-8-1982 से छंटनी करने की कार्यवाही शेष तथा न्यायोचित है? यदि नहीं, तो ये कर्मकार किस अनुसूच के हकदार हैं?"

अनुबन्ध

क्रमांक कर्मकार का नाम

1	2
	सर्वश्री
1	ए अय्याप्पेरुल
2	ए० कुलार्नेराज
3	के० मथैयन
4	एल० स्वासीनाथन
5	आई आय्यनर
6	पी० मुनिस्वामयन
7	आई वेन्नाय्यन
8	ए० पेरुमल
9	आर० गोविंदराज
10	एम० एस० माइकल
11	जे० सेन्वाराज
12	ए० कोमाडुरे
13	आई० पेरुमल
14	आर० जैम्स
15	ए० अलन्जैर
16	पी० लक्ष्मणन
17	ए० अरुमुचम
18	एम० सोणावतथन
19	के० मुरुगमन
20	ए० सनथेदु
21	वी० चिन्नाप्पा
22	एम० के० मेथैयन
23	के० अंकामुथु
24	जी० रामस्वामी
25	ए० मणिकाम
26	एम० एस० मणिकाम
27	जी० गेन्नियल
28	एम० माईकल
29	ए० वरैस्वामी
30	के० अय्यादुराय
31	एम० मुन्वराराजन
32	आई० मारिलामणि
33	एम० के० रामस्वामी
34	सी० चिन्नाराज
35	पी० अरुमुचम

1 2

36.	आर० मुयुस्वामी
37.	सी० मुथु
38.	जी० जार्ज
39.	एम० आर० रामास्वामी
40.	टी० पेरुमल
41.	सी० नथुस्वामी
42.	एम० राजेन्द्रन
43.	के० बेंकटाचलम
44.	एम० के० अरणाचलम
45.	के० कृष्णन
46.	सी० रमन
47.	ए० कन्दास्वामी
48.	के० गुरुवन
49.	पी० पी० कृष्णन
50.	एम० एल० कमलेश्वर
51.	पी० बेलयुधाम
52.	सी० सत्ताभिवम
53.	ए० सुन्दरम
54.	सी० महर्लिगम
55.	जी० कण्णुस्वामी
56.	आर० कण्णुस्वामी
57.	आर० रामास्वामी
58.	जी० मेथैयन
59.	ए० सदैयान
60.	के० नाल्वाळम्बी
61.	के० थम्पा गौदेर
62.	पी० थुम्मलाई
63.	एम० गणापथी
64.	के० थिरुमलाई
65.	एम० मुणैप्पान
66.	एम० मारोप्पन
67.	के० मुथु
68.	टी० रमन
69.	बी० थंकावेल
70.	सी० अरिलमुथु
71.	पी० इल्लापन
72.	पी० गोविंदराज
73.	सी० अन्थोनी
74.	पी० अकवैलु
75.	एम० पेरुसामी
76.	सी० मणिकाम
77.	एन० कदास्वामी
78.	ए० कलन
79.	एम० अन्नन
80.	ई० पी० पलानीसामी
81.	ए० मुणिसामी
82.	एम० अरुमुपन
83.	एम० एस० राजन
84.	एम० वेन्मुगोपान
85.	आर० आर० रामास्वामी
86.	ए० बंहाउअला
87.	पी० श्रीनिवासन
88.	पी० अन्थोनी
89.	सी० मारिदुरंग
90.	के० श्रीरंगन

1	2
91.	ए० अशुल नजीब
92.	एम० काशन
93.	वी० सूकाराज
94.	आर० शिवकुमार

[सं० एल-43011/11/82-डी-3(बी)/डी-2 (बी)]

टी०बी० सीतारामन्, डेस्क अधिकारी

MINISTRY OF LABOUR AND REHABILITATION
(Department of Labour)

ORDER

New Delhi, the 1st February, 1984

S.O. 758.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Shevaroy Bauxite Mines Yercaud, Tamil Nadu and their workmen in respect of the matter specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri T Arulraj shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the retrenchment of 94 workmen of Shevaroy Bauxite Mines, Yercaud, Tamil Nadu as particularised in the Annexure w.e.f. 13-9-1982 by the management of Madras Aluminium Company Limited, Mettur Dam is legal and justified? If not, to what relief are the workmen entitled?”

ANNEXURE

Sl. No. Name of the workman

(1)	(2)
	Sarvashri
1.	A. Ayyamperual
2.	A. Kulandairaj
3.	K. Mathiayn
4.	S. Swaminathan
5.	I. Iyyanar
6.	P. Muniayyappan
7.	I. Vellaiyan
8.	A. Perumal
9.	R. Govindraj
10.	M. S. Maichal
11.	J. Selvaraj
12.	A. Komadurai
13.	I. Perumal
14.	R. James
15.	A. Alaxander
16.	P. Laxmanan
17.	A. Arumugham
18.	M. Sozhavanthan
19.	K. Murugesan
20.	A. Santhiahu
21.	V. Chinnappa
22.	S. K. Mariappan
23.	K. Ankamuthu
24.	G. Ramasamy
25.	A. Manickam
26.	M. M. Manickam
27.	C. Gabriel
28.	S. Michael
29.	A. Duraiswamy
30.	K. Ayyadurai
31.	M. M. Sundararajan
32.	I. Masilamani
33.	S. K. Ramaswamy

(1)	(2)
34.	C. Chinnaraju
35.	P. Arumugham
36.	R. Muthuswamy
37.	V. Muthu
38.	G. George
39.	M. R. Ramaswamy
40.	T. Peruman
41.	C. Nathuswamy
42.	M. Rajendran
43.	K. Venkatachalam
44.	M. K. Arunachalam
45.	K. Kuppan
46.	C. Raman
47.	A. Kandaswamy
48.	K. Guruvan
49.	P. P. Kirshnan
50.	M. L. Kamalesan
51.	P. Velayudhan
52.	C. Sadasivam
53.	A. Sundaram
54.	C. Mahalingam
55.	G. Kuppuswamy
56.	R. Kuppuswamy
57.	R. Ramaswamy
58.	G. Mathaiyan
59.	A. Sadaiyan
60.	K. Nallathambi
61.	K. Thampa Gounder
62.	P. Thurumalai
63.	M. Ganapathy
64.	K. Thirumalai
65.	M. Muniappan
66.	M. Marappan
67.	K. Muthu
68.	T. Raman
69.	V. Thankavelu
70.	C. Allimuthu
71.	P. Irudappan
72.	P. Govindaraj
73.	C. Anthony
74.	P. Thankavelu
75.	M. Periasami
76.	C. Manickam
77.	N. Kandasamy
78.	A. Kannan
79.	M. Arjunan
80.	E. P. Palanisami
81.	A. Munisami
82.	M. Arumugham
83.	M. S. Rajan
84.	S. Venugopal
85.	R. R. Ramaswamy
86.	A. Vaihat Ali
87.	P. Sreenivasan
88.	P. Anthony
89.	V. Samyudurai
90.	K. Sreerangan
91.	A. Abdul Nazeeb
92.	M. Kannan
93.	P. Mookaraj
94.	R. Sivakumar

[No. L-43011/11/82/D-III(B)/D-II(B)]

T. B. SITARAMAN, Desk Officer

New Delhi, the 23rd February, 1984

S.O. 759.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the management of Beas Construction Board (Power Wing) and their workman, which was received by the Central Government on the 14th February, 1984.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,
CHANDIGARH
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,

Case No. I.D. 34/1981 (New Delhi); 117 of 1983 CHD
PARTIES :

Employers in relation to the management of Beas Construction Board, Chandigarh.

AND

Their Workman Shri Madan Lal

APPEARANCES :

For the Employers—S/Shri M. Mohan and N. K. Gupta,

For the Workman—Shri M. L. Basu with the workman.

BEAS CONSTRUCTION BOARD, CHANDIGARH

AWARD

Dated the 13th of February, 1984

The Central Government, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947, vide their Order No. L-42012(41)/80-D.II(B) dated the 18th of March, 1981 read with S.O. No. S-11025(2)/83 dated the 8th of June, 1983 referred the following Industrial Dispute to this Tribunal for adjudication.

“Whether the action of the management of Beas Construction Board (Power Wing) in terminating the services of Sri Madan Lal, Clerk with effect from 30-9-79 is legal and justified? If not to what relief is the workman entitled?”

2. During the course of hearing before me, the parties arrived at a settlement to the effect that irrespective of the fallacy of his grouse, the Management have agreed to give fresh employment as a T/Mate to the petitioner-Workman with immediate effect, provided he gives up his claim giving rise to the instant Reference and reports on duty on or before 1st March, 1984. The petitioner-Workman accepted the offer but prayed for extension of time to join duty because for the time being he was likely to be required at home to attend on his ailing wife.

3. On having recorded the statements of the parties and hearing them, I find that the terms of settlement are fair to both of them, and in particular to the workman because despite an almost futile cause, he stands ensured of a reasonable employment so as to sustain himself and his family. I, accordingly, return a No-dispute Award with a direction that it will be permissible for the petitioner-Workman to report on duty on or before 15th March, 1984 for his posting as a T/Mate.

4. Of course he would not be entitled to any further relief but all the same it may be expected of the Management, as a model employer to consider the proposition of keeping in view his past services at the time of any future retrenchment.

Chandigarh,

Dated 13-2-1984.

I. P. VASISHTH, Presiding Officer
[No. L-42012(41)/80-D.II(B)]

S.O. 760.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the management of Can-

tonment Board Jullundur and their workmen, which was received by the Central Government on the 14th February, 1984.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL,
CHANDIGARH

Case No. I.D. 123/1983 (New Delhi); 120 of 1983 CHD
PARTIES :

Employers in the relation to the Management of Cantonment Board, Jullundur,

AND

Their Workmen

APPEARANCES :

For the Employers—Shri Bal Sharan Singh.

For the Workman—Shri J. D. Bakshi.

Cantonment Board Jullundur STATE : Punjab

AWARD

Dated, the 13th February, 1984

The Central Govt., Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947, vide their Order No. L-13011(3)/81-D.II(B) dated the 26th of July, 1982 read with S.O. No. S-11025(2)/83 dated the 8th of June, 1983 referred the following Industrial dispute to this Tribunal for adjudication :

“Whether the following demands of the All India Cantonment Board Employees Federation are justified?”

(a) That the scale of pay of Tax Moharirs should be revised in the scale of Rs. 110-250 from 1-2-68 instead of 1-1-77.

(b) That the scale of pay of Laboratory Attendants should be revised from Rs. 75—105 to Rs. 90—140 with effect from 1-2-68 and in the scale of Rs. 110—160 from 1-2-71.

If so, to what relief are the concerned workmen entitled?”

2. According to the common case of the parties, a large number of demands and disputes pending between the Workmen and various Cantonment Boards in the country were settled and resolved amicably by way of Memo. of Settlement dated 13-5-1969, which was formerly implemented w.e.f. 1-9-1969. As a necessary consequences thereof, the Pay Scales of the Cantonment Board employees were brought at par with their counter-parts serving in the State Govts. having territorial jurisdiction over the relevant Boards.

3. The petitioner Workmen consisting of the Tax Moharirs and Laboratory Attendants were employed under the Respondent Cantonment Board Jalandhar. They claimed parity with their counter-parts serving under State Govt. of Punjab with the averment that the latter had revised the Pay-scales of its employees w.e.f. 1-2-1968 and fixed the Tax Moharirs in the clerical grade of Rs. 110-250, irrespective of the fact as to whether or not they were Matriculates; similarly it fixed the Lab. Attendants in the scale of Rs. 90-140 and then enhanced it to Rs 110-160 w.e.f. 1-2-1971. They therefore, tried to impress upon the Respondent Board, to fix their pay scales at par with the State Government, but after some initial hesitation, the Respondent Board declined any relief to the Lab. Attendants whereas the Tax Moharirs were given the requisite scale w.e.f. 1-7-1977. Forced by the circumstances, the Workmen raised an Industrial dispute which could not be resolved amicably in spite of the intervention of the A.L.C(C) during the Conciliation proceedings and, hence the reference.

4. In their written statement the Resndt. Board replied that the question of releasing the pay scale of both the Tax Moharirs as well as Lab. Attendants, as per demand of the petitioners was already engaging its attention and the

matter was under consideration with the Western High Command. It was explained that its Chairman had already discussed the problem with the representatives of the Workmen, in the J.C.M. meetings on 24-1-1983 and was softly inclined to give the relief but he was awaiting the acquisition and collection of certain data from the State Govt.

5. In short, even though there was no serious contest from the Respd. Board, yet nothing material was conceded to warrant the closer of his proceedings as a sort of Settlement. I accordingly directed the parties to lead their evidence on the issues contained in the terms of reference.

6. In support of their case the workmen examined their representative Shri J. D. Bakshi and filed a number of documents similarly the Respondent Board also examined its Executive Officer Shri Bal Sharan Singh and submitted a few documents to show its bonafides.

7. In all fairness to the parties it was revealed that the dispute pertaining to the pay-scale of Lab. Attendants giving rise to sub-issue (b) has already been settled amicably. The sworn statements of S/Shri Bakshi and Bal Sharan Singh are also indicative of the fact that the Board has already conceded the demand in its entirety. I therefore return a No-dispute Award to that extent.

8. That directly confronts the Tribunal with sub-issue (a) relating to the demand of the Tax Moharirs. It was admitted before me that the Matriculate Moharirs have since been allowed the pay scales of Rs. 110-250 on the pattern of their counter-parts serving the State Government thus, the dispute narrows down to the claim of Non-Matriculates alone.

9. On a careful scrutiny of the entire material on records and hearing the parties, I feel inclined to sustain the petitioners' demand because the existence, applicability and validity of the Memorandum of Settlement dated 13-5-1969 is not denied by the Board. As a matter of fact a copy thereof, per Exb. M.1, was filed by the Board itself. Under the scheme of its clauses No. 7, 9, 15 and 18 the employees of the Cantonment Boards, belonging to the Workmen-category, were equated with and brought at par with their counter-parts serving the State Governments. However, when no such direct equation was possible, because of the non-availability of the post with the State Government, a formula of Indirect-equation was envisaged by clause 4 and that was how that according to the Schedule of Pay Scale adopted by the Respondent Board, (annexed with the Memo. Exb. M.1) Tax Collectors i.e. the Moharirs, were equated with and treated at par with the Junior Clerks at Serial No. 7(g).

10. This proposition is further borne out from the letter No. 15/363/Cant/L&C/A.H.Q. Western Command (ML&C) Simla dated 20th March, 1970 conveying Command's sanction to the Respondent Board for the release of the Clerical grade to one of the Tax Collectors Shri Madan Gopal despite some deficiency in his qualification and it goes without saying that according to the common case of the parties, the Junior Clerical Grade of Rs. 110-250 was allowed by the Punjab Government from 1st February, 1969, which should further be evident from the relevant Gazette Notification No. 375-FR (PRC)-71/2802 dated the 12th February, 1971 (Finance Department) published in the extraordinary Gazette dated the 1st of March, 1971 read with Memo. No. 7084-FR (PRC)-69/28230 dated 24th December, 1969 addressed by the Commissioner for Finance and Secretary to the Punjab Govt. to all the Heads of the Departments and the other concerned Authorities in the State of Punjab.

11. It thus emerges that the Moharirs were entitled to the grade of Rs. 110-250 w.e.f. 1-2-1968 on the principle of parity with the Junior Clerks serving under the various departments of the Punjab State. However the contention of the Respondent Board was that the benefit could not be accorded to the non-matriculate Moharirs because of the patent difference in their Educational qualification. But it is devoid of any force because there was no such rider either in the Memo of Settlement or the Punjab Govt. Notifications to indicate that the Non-Matriculate Clerks were to be treated differently than the Matriculates in the matter of pay scales. And it hardly requires any emphasis that they were

doing the same job, under the same Employer, without any charge of qualitative or quantitative difference.

Be that as it may, there is ample documentary evidence to clinch the issue in favour of the Workmen. The letter Exb. M. 3. was addressed to the Finance Secretary of the Punjab Govt., by the Respondent Board itself in December, 1974 seeking clarification regarding the entitlement of the Non-Matriculate clerks to the Junior Clerical Grade of Rs. 110-250 w.e.f. 1-2-1968. Government responded with letter Exb. W.2 dated 6-2-1975, that there was no bar to allow the existing scale of Rs. 110-250 to Non-Matriculate clerks, irrespective of their dates of appointment.

13. Therefore, to sum up my aforesaid discussion on the limited points raised before me, I answer sub-issue (a) in favour of the Workmen that they are justified in demanding the revised pay-scale of Rs. 110-250 for all the Tax-Moharirs, including the Non-Matriculates w.e.f. 1-2-1968. Accordingly, I return my Award in their favour.

Chandigarh,

Dated 13-2-1984.

I. P. VASISHTH, Presiding Officer

[No. L-13011(3)/81-D.II(B)]

T. B. SITARAMAN, Under Secy.

नई दिल्ली, 2 फरवरी, 1984

आदेश

का० आ० 761.—केन्द्रीय सरकार की राय है कि हमने उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में बैंक ऑफ इंडिया के प्रबंधांत्र में सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है,

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्ट करना बाध्यकारी समझती है,

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करने सुगु. एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री श्री० एन० उपाध्याय होंगे, जिनका मुख्यालय बंगलौर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्दिष्ट करती है।

अनुसूची

"क्या यनियन बैंक ऑफ इंडिया, बंगलौर के प्रबंधांत्र की अपने क्षेत्रीय कार्यालय, दक्षिणी क्षेत्र-2, बंगलौर में चपरासी एवं मोबीकार श्री एस मुखियापा की सेवाओं का 19-8-81 में समाप्त करने की कार्यवाही न्यायोचित है? यदि नहीं तो संबंधित कर्मकार किस अनुसूची का हकदार है?"

[सं० एन-12012/202/83-बी-2(ग)]

एन० को० बर्मा, डेस्क अधिकारी

New Delhi, the 2nd February, 1984

ORDER

S.O. 761.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bank of India and their workman in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri V. H. Upadhyaya shall be the Presiding Officer, with headquarters at Bangalore and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

नई दिल्ली, 10 फरवरी, 1984

आदेश

"Whether the action of the management of Union Bank of India, Bangalore in relation to their Zonal Office South Zone II Bangalore in terminating the services of Shri S. Muniyappa Poon-cum-Waterman, with effect from 19th August, 1981 is justified? If not, to what relief is the workman concerned entitled?"

[No. L-12012/202/83-D.II(A)]
N. K. VERMA, Desk Officer

नई दिल्ली, 3 फरवरी, 1984

आदेश

का० आ० 762 :—केन्द्रीय सरकार की राय है कि इसमें उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में मेलाराम कॉपर प्रोजेक्ट, आन्ध्र प्रदेश माइनिंग कार्पोरेशन लिमिटेड, मेलाग्रम (आ० प्र०) के प्रबन्धसूत्र में सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है।

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 7-क और धारा 10 की उप-धारा (i) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री एम० श्रीनिवास राव होंगे, जिनका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या आन्ध्रप्रदेश माइनिंग कार्पोरेशन लिमिटेड के मेलाग्रम कॉपर प्रोजेक्ट के प्रबन्धसूत्र का अपने विद्वाह पर नियोजित श्रमिकों या अपने नियमित कर्मचारियों के बराबर वेतनमान तथा भत्ते देने से इनकार करना न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किस वेतनमानों तथा भत्तों के तथा किस संरक्ष से हकदार हैं?

[सं० एफ-43011/6/83-डी-3 बी]

New Delhi, the 3rd February, 1984

ORDER

S.O. 762.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Mailaram Copper Project, Andhra Pradesh Mining Corporation Limited, Mailaram (A.P.) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. Srinivasa Rao shall be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the management of Mailaram Copper Project of Andhra Pradesh Mining Corporation Limited are justified in denying to their daily-rated workers monthly scales of wages and allowances at par with their regular employees? If not, to what scales of pay and allowances are the workmen concerned entitled and from what date?

[F. No. L. 43011(6)/83-D.III(B)]

का० आ० 763 :—केन्द्रीय सरकार की राय है कि इसमें उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में मैसर्स सिंगरेनी कोलियरीज क० लि० कोठागुडम के प्रबन्धसूत्र में सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है,

और केन्द्रीय सरकार उक्त विवाद का न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है,

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री एम० श्रीनिवास राव होंगे, जिनका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या मैसर्स सिंगरेनी कोलियरीज क० लि० के प्रबन्धसूत्र की वेंकटेश श्यामी संख्या 7 इनक्लाइन के लिफ्ट यंत्र-1 श्री खाजा शमीरुद्दीन को 9-12-62 से सेवा से बरखास्त करने की कार्यवाही न्यायोचित है? यदि नहीं तो संबंधित कर्मकार किस अनुवोप का हकदार है?"

[सं० एल-22012/95/83-डी-3 (सी)]

नंद लाल, अवर सचिव

New Delhi, the 10th February, 1984

ORDER

S.O. 763.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of M/s. Singareni Collieries Company Ltd., Kothagudem and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri N. Srinivasa Rao shall be the Presiding Officer with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of Messrs Singareni Collieries Co. Ltd. in dismissing Shri Khaja Tameejuddin, Clerk Gr. I, Venkatesh Khani No. 7 Incline, from service with effect from 9th December, 1982 is justified? If not, to what relief is the workman concerned entitled and from what date?"

[No. L. 22012/95/83-D.III(B)]

NAND LAL, Under Secy.

New Delhi, the 29th February, 1984

S.O. 764.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jaipur in the industrial dispute between the employers in relation to the management of Rajasthan State Mines and Minerals Limited, Udaipur and their workmen, which was received by the Central Government on the 21st February, 1984.

CENTRAL INDUSTRIAL TRIBUNAL, RAJASTHAN,
JAIPUR

Presided by : Sh. M. B. Sharma

Case No. C.I.T. 15/1982

REFERENCE :

Under Secretary, Government of India, Ministry of Labour, New Delhi Order No. L-29012/21/80-D-III-(B) dated 27-2-1982.

In the matter of an Industrial Dispute.

BETWEEN

Shri Shiv Shankar, Drill Operator Grade D through General Secretary, Rajasthan State Mines & Minerals Karamchari Sangh, Udaipur.

Vs.

The Managing Director, M/s. Rajasthan State Mines and Minerals Ltd., 22, Sahaban ki bari Udaipur.

PRESENT :

For the Union.—Shri J. L. Shah and Shri M. F. Beg.

For the Management.—Shri D. N. Sharma.

Date of Award.—15th September, 1983.

AWARD

The Central Government has referred this dispute for adjudication to this Tribunal. The dispute is as to whether the action of the Management of M/s. Rajasthan State Mines and Minerals Ltd., Udaipur in not promoting Shri Shiv Shankar, Drill Operator Grade D to the post of Drill Operator Grade C w.e.f. 14-8-79 is justified or not? The union has filed statement of claim in which a case has been set up that Shri Shiv Shankar was first appointed on 3-1-72 on Jhamar Kotra Mines under the Department of Mines and Geology. Thereafter the Rajasthan State constituted Rajasthan State Mines and Minerals Ltd., and the work of Jhamar Kotra mines was also transferred to that Company. Consequently the services of Shri Shiv Shankar were also transferred to this Company. Though Shri Shiv Shankar had come on transfer but he was shown as appointed on March 1, 1974. According to the union though Shri Shiv Shankar was working as Operator (Wagon drill) and as per the scales prescribed in the Company should have been categorised as Wagon Drill Operator Grade II. He protested and represented but to no effect. It is also the case that Shri Shiv Shankar was instructed to appear in trade test and he appeared in the said test and thereafter was given the grade of Drill Operator Grade D which is equivalent to Grade 1. He worked on the post for a period of three years and thereafter he was posted for a period of three months on Drill Master Machine. An assurance was given to him that after training in trade test he will be promoted to grade C. He completed successful training and thereafter was posted to D.M.T. Machine for training, which training also was successfully completed by him. He was asked to appear in trade test but because he was on leave in connection of the marriage of his younger brother, he requested that the trade test should be taken on 13th May, 1979. The prayer was allowed and later on he was asked to appear in trade test on 8-9-79. He attended the said trade test but still was not promoted to Grade C.

2. The case of the union further is that Sarvshri Gautam Lal, Lallu/Dalla, Sawal/Navala and Rakshi who were junior operators in Grade D were promoted to Grade C.

3. In spite of opportunities having been granted to the Union, no evidence has been led in support of the claim. In the absence of any evidence it cannot be said that the action of the management of M/s. Rajasthan State Mines and Minerals Ltd., Udaipur in not promoting Shri Shiv Shankar Drill Operator D to the post of Drill Operator Grade C w.e.f. 14-8-79 is not justified.

4. The worker is not entitled to any relief.

5. Let this Award be sent to the Central Government for publication Under Section 17(1) of the I.D. Act, 1947.

MOHENDRA BHUSHAN SHARMA, Presiding Officer.

[No. L-29012/21/80-D. III(B)].

S.O. 765.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad in the industrial dispute between the employers in relation to the management of Oil & Natural Gas Commission, Rajahmundry and their workmen, which was received by the Central Government on the 23rd February, 1984.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD.

PRESENT :

Sri M. Srinivasa Rao, M.A., LL.B., Industrial Tribunal.

Industrial Dispute No. 15 of 1981

BETWEEN

The Workmen of Oil and Natural Gas Commission, Rajahmundry.

AND

The Management of Oil and Natural Gas Commission, Rajahmundry.

APPEARANCES :

(1) Sri K. P. Ravindranathan, Secretary, ONGC Employees Mazdoor Sabha, and G.V.S. Sastry treasurer for the Workmen.

(2) Sarvasri J. A. Siddiqi, Brij Mohan, O. P. Tyagi and G. K. Gupta for the Management.

AWARD

The Government of India by its Order No. L-30011/3/80-D. III. B, dt. 29-7-1981 referred the following dispute under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Oil and Natural Gas Commission, Rajahmundry to this Tribunal for adjudication :

Whether the Workers' demand for payment of H.R.A. @ 15 per cent of their basic pay for Employees stationed at Rajahmundry is justified? If so, to what relief the workers are entitled?

2. Notice was issued to the workmen and the Management to file Claims Statement and counter respectively. The workmen filed their claims statement on 24-9-81 and the Management filed its counter on 11-2-82.

3. As per the request of the workmen my Predecessor went on Camp to Rajahmundry and examined one witness in chief and at the request of the Management for cross examination it was adjourned to 15-12-82 at Hyderabad. Since then the workmen and their representative being called absent. On 13-10-83 notice was again issued to the representative of the workmen and the matter was posted for enquiry on 5-11-83. It was noticed that the notice dt. 13-10-83 received by the representative of the workmen. On the memo of the workmen it was adjourned from 5-11-83 to 29-11-83. On 29-11-83 at the request of both parties it was adjourned to 24-12-1983. For non-appearance of the workmen it was once again adjourned from 24-12-83 to 19-1-84 and to 8-2-84 finally.

Management represented workmen and their representative called absent this day also. Management's representative insists for disposal and memo filed also to dismiss the claim exparte. As the workmen are not taking any interest in the matter and are called absent this day also, in spite of giving opportunity again and again with reluctance. Workmen are set exparte. As there is no evidence or material before me in support of the claims of the workmen, I hold that the workmen are not entitled to any relief.

Award passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 8th day of February, 1984.

Sd/-

Illegible

INDUSTRIAL TRIBUNAL.

Appendix of Evidence.

Witnesses Examined
For the Workmen :
W.W.1 V. K. Kulkarni

Witnesses Examined
For the Management :

NIL.

Documents marked for the Workmen :

NIL

Documents marked for the Management :
NIL

M. SRINIVASA RAO, Industrial Tribunal.

[No. L-30011/3/80-D. III(B)]

NAND LAL, Under Secy.

नई दिल्ली, 6 फरवरी, 1984

आदेश

का० आ० 766.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में कर्नाटक बैंक लिमिटेड, मंगलूर के प्रबंधन से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री बी० एच० उपाध्याय होंगे, जिनका मुख्यालय बंगलूर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या कर्नाटक बैंक लिमिटेड, मंगलूर, की एनांकुलम शाखा में संबंधित प्रबंधन की लिपिक श्रीमती के० एम० विद्यावती की 12-7-1982 में सेवाएं समाप्त करने की कार्यवाही न्यायोचित है ? यदि नहीं, तो संबंधित कर्मचारी किस अनुपात का हकदार है ?”

[सं० एन-12012/41/83-डी-4 (ए)]

New Delhi, the 6th February, 1984

ORDER

S.O. 766.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Karnataka Bank Limited Mangalore and their workmen in respect of the matters specified in the Schedule hereto annexed ;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri V. H. Upadhyaya, shall be the Presiding Officer with headquarters at Bangalore and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the management of Karnataka Bank Limited, Mangalore in relation to their Ennakulam Branch in terminating the services of Smt. K. N. Vidhyavathi, Clerk with effect from 12-7-1982

is justified ? If not, to what relief is the workman concerned entitled ?”

[No. L-12012/41/83-D.IV(A)]

आदेश

का० आ० 767.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में कर्नाटक बैंक, मुख्यालय, मंगलूर के प्रबंधन से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री बी० एच० उपाध्याय होंगे, जिनका मुख्यालय बंगलूर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या महा प्रबन्धक, कर्नाटक बैंक, मुख्यालय, मंगलूर द्वारा कर्नाटक बैंक के बलेहन्नूर कार्यालय में कार्यरत लिपिक, श्री बी० एच० रघुराम को बर्खास्त करने की कार्यवाही उसके द्वारा किये गये अपराध के अनुपात में ठीक नहीं है ? यदि हाँ, तो संबंधित कर्मचारी किस अनुपात का हकदार है ?”

[सं० एन-12012/42/83-डी-4 (ए)]

एन० एम० पराशर, डेस्क अधिकारी

ORDER

S.O. 767.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Karnataka Bank, Head Office, Mangalore, and their workmen in respect of the matters specified in the Schedule hereto annexed ;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby constitutes an Industrial Tribunal of which Shri V. H. Upadhyaya shall be the Presiding Officer with headquarters at Bangalore and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the General Manager, Karnataka Bank, Head Office, Mangalore in dismissing Shri B. N. Raghuram, clerk Balehonnur office, Karnataka Bank w.e.f. 22-7-1981 is disproportionate to the offence committed by him. If so, to what relief is the concerned employee entitled ?”

[No. L-12012/42/83-D.IV(A)]
S. S. PRASHER, Desk Officer

New Delhi, the 21st February, 1984

S.O. 768.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. II, Bombay in the dispute between the employers in relation to the management of Messrs Gosalia Shipping Private Limited, Goa and their workmen, which was received by the Central Government on the 14th February, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Shri M. A. Deshpande, Presiding Officer.

PRESENT :

Reference Nos. CGIT-2/46 and 49 of 1982

PARTIES :

Employer in relation to the management of Messrs
Gosalia Shipping Private Limited.

AND

Their Workmen.

APPEARANCES :

For the Employer—1. Shri P. K. Rele, 2. Shri M. S.
Bandodkar, Advocates.For the workmen—1. Shri K. P. V. Menon, Advocate
2. Shri Mohan Nair, General Secretary, Goa Dock
Labour Union.INDUSTRY : Ports and Docks. STATE : Goa, Daman
and Diu.

AWARD

Bombay, the 12th January, 1984

These two references though relate to different employees, since the Union who is espousing the cause is the same since the employers are also the same and since the evidence adduced is common to both the references, by consent of the parties are being decided by common judgement.

2. In reference No CGIT-2/46 of 1982 by their order No. L-36012/5/82-D.IV(A) dated 24-11-1982 the following dispute has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 :—

“Whether the action of the management of Messrs Gosalia Shipping Private Limited, Margao, Goa in terminating the services of S/Shri Anil Satoskar, Abdul Rehman Khan and Atmaram Kushe vide order No. 53/1327/80 dated 8-11-1980 No. 36/2240/81 dated 7-5-1981 and No. 36/2258/81 dated 7-5-1981 respectively is justified ? If not, to what relief the concerned workmen are entitled ?”

3. The Union who has filed statement of claim on behalf of the workmen after narrating the events leading to the dispute including what had happened before the Conciliation Officer challenges the termination to be null and void as no amount by way of salaries, leave wages, overtime wages, bonus, gratuity etc. was paid till this date. It is also alleged that the management while terminating the services of these workmen's two decades of service did not follow the requisite procedure and therefore the relief claimed is reinstatement with full back wages.

4. The Employers have refuted the contention and by their written statement, Ex. 14/M it is their contention that the present reference has become infructuous as the industry has been closed and no relief of whatsoever nature is possible and it is further contended that the reference does not disclose any cause of action. It is alleged that on 8-11-1980, the concerned three workmen were served with notices to the effect that they had secured gainful employment with other employers and at the same time, they continued to mark their attendance fraudulently and calling upon their explanation within 48 hours which they failed to furnish and thereafter their services were terminated by letters dated 7-5-1981. It is alleged that since 1976 because of non-availability of work, the financial position became precarious and it was not possible for the company the liability of the workmen's wages, and therefore in December, 1981 the services of the remaining workmen were also terminated and from that time onwards the company closed down its activities. The company admits to have given assurance as stated in para 3 of the statement of claim but because of the alleged acceptance of gainful employment by the three workmen and their failure to show cause, it is alleged that the services were terminated. The company denies to have delayed the payment of wages and attributes the fault on the part of the Union and their members who it is alleged are delaying the final settlement under one pretext or the other.

5. On the strength of these pleadings the following issues arise for consideration and my findings are :—

ISSUES

FINDINGS

1. Whether the employers establish that for some time before the alleged closure the workmen were gainfully employed with some other employer or employers ? No
2. If this alleged action on the part of the employees did not bring about severance of relationship between the employers and employees, is the employer relieved of his duty to follow the procedure either under Section 25F or under Section 25FFF of the Industrial Disputes Act ? No
3. Whether the issue of public notice as alleged at the time of alleged closure relieves the employers of their duty as required under Section 25FFF ? Has still to make the payment of difference.
4. If not whether the procedure under Section 25FFF read with Section 25F has been followed by the Employers ? No followed and not a condition precedent.
5. If it is not followed whether the relationship can be held to be legally severed ? Yes after closure.
6. If not to what relief the employees are entitled ? Relief as awarded.
7. Whether the termination of services of the employees was justified ? No
8. What award ? As per order.

6. In reference No. CGIT-2/49 of 1982 by another order No. L-36011/4/82-D.IV(A) dated 6-12-1982 the following dispute has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act wherein 26 employees of the same M/s. Gosalia Shipping Private Limited are involved and the question is whether the termination of their service with effect from 31-12-1981 could be said to be justified ?

“Whether the action of the management of Messrs Gosalia Shipping Private Limited, Margao, Goa, in terminating the services of the 26 workmen, whose names are mentioned in the Annexure, with effect from 31-12-1981 is justified ? If not, to what relief the concerned workmen are entitled ?

ANNEXURE

Sl. Name of the workman

1. Shri A. B. Merkar
2. Shri A. L. F. Da Costa
3. Shri A. M. Deniz
4. Shri A. R. Coutinho
5. Shri Abdul H. Shah
6. Shri Aantonio Salema
7. Shri B. N. Korgaonkar
8. Shri Chotulal M. Gupta
9. Shri I. D. Rebello
10. Shri J. S. Mendonca
11. Shri Jovito Colaco
12. Shri Joy de Menezes
13. Shri H. N. Dattani
14. Shri K. A. Raghavan
15. Shri Krishna Talwanker
16. Shri M. Vaz
17. Shri M. B. Redker
18. Shri N. Barreto
19. Shri Pancham Kewat
20. Shri R. G. Parab
21. Shri R. S. Patkar
22. Shri Ramabhilak Yadav

23. Shri Ramchandra Pande
24. Shri Shaligram Ppadya
25. Shri Shashikant Durbhatkar
26. Shri Sudhaker Tanwade."

7. The Union in this case also filed statement of claim at Ex. 2/W, where it is contended that in the first place even if there is a closure the company had committed breach of provisions of Section 25FFF by not offering or paying the amount of notice pay or compensation within a reasonable period i.e. within a period of 2 to 4 months rendering the closure illegal.

8. Here also the company by written statement Ex. 9/M refuted these contentions and it is pleaded that because the financial position of the company they have to close their activities and that since the company has no work to provide to the employees, by notice in the year 1979 presented to the employees all these facts. It is further alleged that by notice published in the local newspaper dated 28-12-1981 the services of the employees were terminated with effect from 31-12-1981 and the workmen were asked to collect their legal dues. The company further pleads that from the time their activities were ceased, most of the workmen are gainfully employed in other concerns. The company denies to have failed to effect payment on the contrary it is the workmen who according to them did not come forward to collect dues.

9. On the strength of these pleadings the following issues arise for consideration and my findings are :—

- | ISSUES | FINDINGS |
|--|--|
| 1. Whether on account of the closure of respondent company the present reference becomes infructuous and illegal ? | No |
| 2. Do the employers prove that by the notice in the month of August, 1979 the relationship of employer-employees was brought to an end ? | By notice effective from 31-12-1981. |
| 3. Do they further establish that by notice published in the newspaper on 28-12-1981 the services of the workmen were legally terminated from 31-12-1981 ? | Yes |
| 4. Was this notice a legal and valid notice ? | Yes |
| 5. Do the employers prove that by the very notice they had offered to pay legal dues and that the workmen failed to collect the same ? | No effective offer but could not be done because of the record and office of the workmen. |
| 6. Does this offer absolve the employers from their duty to make payment as required under Section 25F and 25FFF of the Industrial Disputes Act ? | Payment has to be made within a reasonable time. What is reasonable depended on the facts. |
| 7. Whether the relationship of employer-employees severed by the said notice did not exist on the date of reference ? | No |
| 8. Do the employers prove that after the alleged closure of their company the workmen are gainfully employed at other places ? | No |
| 9. Whether the employers prove that the services of eight workmen referred to in para 12 of the written statement were terminated legally and validly as far back in the year 1978 ? | Does not arise. |

10. Whether the termination is legal, valid and justified ?

Cannot be said illegal and unjustified.

11. If not to what relief or reliefs these workmen are entitled ?

Full back wages till the time of closure must be paid and other dues illegally payable.

12. What award ?

As per award.

REASONS

10. So far as the three workmen are concerned whose termination of service has been challenged by the Union on the ground that it is contravention of the provisions of Section 25F of the Act, the case of the company is that these workmen were no longer interested in continuing in the service of the company and were gainfully employed elsewhere and at the same time they used to sign the company's muster-roll and therefore by notice dated 8-11-1980 served on the three workmen copies of which at Ex. 19/M (collectively) they were called upon to show cause within 48 hours why their services should not be treated as terminated. Later on, by another set of notice addressed to these three workmen dated 7-5-1981 on the ground that no cause was shown which according to the management amounted to admission of guilt and the services of these three workmen stood terminated. In the order of reference so far as Anil Satoskar is concerned his services were terminated by order dated 8-11-1980 while in the case of remaining two employees the date is stated to be 7-5-1981 but as seen from Ex. 20/M the services of Shri Anil Satoskar was also terminated on the same date i.e. 7-5-1981 while in the order of reference the date is the date when notice of show cause was served on him along with his colleagues.

11. The record itself speaks and as would be indicated shortly that from 31-12-1981 on the ground that the company closed its business the services of other employees also were terminated and this is stated to be under Section 25FFF of the Act. In the accompanying reference i.e. Reference No. CGIT-2/49 of 1982 a copy of the notice is brought on record by the Union at Ex. 3/W. Now the evidence of the Union itself which is common to both the proceedings goes to indicate that from the relevant time the company has gone out of business. There is the statement of Shri J. S. Mendonsa, who was serving the company from 1968 as Foreman who says that on first of January 1982 the company has published a public notice in the Newspaper intimating the termination of service from 31-12-1981 and the witness admits that all the employees including the witness himself were aware of the notice. He has also admitted that the activities of the company came to a stand-still from February, 1980 and that the activities were closed in the said month. The company was doing the work of Stevedoring which even the witness admits was stopped from February, 1980. The public notice issued by the management read with evidence of one of the Directors Shri Praveen Kumar stated the same thing. One fact therefore is certain that the closure occurred from 31-12-1981 from which date the services of the remaining employees also stood terminated on this ground.

12. It is therefore evident that howsoever the precarious financial position from 1979 or from the earlier period, on 7-5-1981 when the services of the three employees were terminated the closure was not the ground nor the closure till that time was clamped down. The record shows that though the company could not undertake their normal activities they did not take any precipitous action in the hope that the business one day would revive. The notice dated 7-5-1981 served on these three employees was not and cannot be said to be a notice under Section 25FFF of the Act. Now earlier they indicated these three workmen vide Ex. 19/M (collectively) dated 8-11-1980 that though they were gainfully employed some where else but they fraudulently went on signing the muster-roll of the company in order to get everything. What was therefore attributable was misconduct and if any action was decided to be taken not mere notice of show cause but an enquiry was necessary during which all the facts would have come out whether for or against. The management cannot dispense with the disciplinary proceeding merely on the ground

that the failure to reply the earlier notice amounted to admission of guilt relieving the management from undertaking any further enquiry. The action therefore of termination dated 7-5-1981, since no enquiry was held or the charge was brought home and since it does not fall in other excepted categories under Section 2(oo) of the Industrial Disputes Act, would be nothing else but retrenchment which in the absence of following the procedure under Section 25F of the Act would be void illegal and therefore non-est.

13. Before we advert to the question of relief to be granted to these three employees the repercussion of the notice of closure of establishment and resultant termination of service of other employee with effect from 31-12-1981 will have to be considered and the consequences can be judged in the light of said events.

14. We have already seen that atleast from 31-12-1981 there was a closure of the business of the company. In the statement of claim the closure is described to be sham but the admission of the workmen's witness namely Shri Mondonsa counter the said contention and the only finding in this regard would be that the company closed its business from the said day.

15. The grievance of the workmen in this regard is that no compensation or notice pay are determinable under Section 25F read with Section 25FFF was at all paid or offered though more than two years have lapsed from the said date onwards. So far the case of closure under Section 25FFF of the Act is concerned it has been held in *Avon Services (Production Agencies) Pvt. Limited Vs. Industrial Tribunal, Haryana, 1979 (1), I.L.J., page 1 (8)* payment of compensation and payment of wages for the period of notice are not conditions precedent to closure. The plea that neither the compensation and notice pay was paid nor offered, therefore renders the notice of termination illegal or void cannot be accepted.

16. However, what is urged is that though two years have lapsed the company has avoided to make payment and as such the closure becomes illegal and the consequences should follow. For the said purpose my attention is drawn to judgement of the Bombay High Court in *Maharashtra General Kamgar Union Vs. Glass Containers Pvt. Ltd.* reported in 1983 (1), I.L.J., page 326 where after quoting the case of *Avon Services (Production Agencies) Pvt. Limited* and after stating the said law namely retrenchment notice and payment of compensation must be regarded as conditions precedent to the retrenchment becoming effective the same position would not follow in respect of the compensation which is prescribed by Section 25FFF of the Act. At the same time his Lordship further held that this does not mean that the employer is not bound to make payment at all and that the employer contravenes the provisions of Section 25FFF if no payment is made or offered within a reasonable time after the closure becoming effective. In this case it is pertinent to note that the dispute arose out of a complaint under M.R.T.U. Act and even in the said decision the fact that payment of notice pay or compensation is not a condition precedent is upheld. Therefore so far as the closure is concerned since it is nobody's case that it was effected mala fide, becomes effective from 31-12-1981, there cannot subsist any relationship of employer-employees between the parties. There is an additional circumstances in this case which is somewhat peculiar and at the same time necessarily will have repercussion on the rights of the parties. The union witness Shri Mondonsa has admitted that from year 1979 onwards the workers are occupying the Vasco-de-Gama office of the company, the key is with them i.e. the workmen and that all the records including the attendance register is lying in the same office. It is also admitted that all the 26 workmen in the said reference were working in the Vasco-de-Gama office. In the last paragraph the witness further says that the office of the opponent at Vasco is still in their possession and at present no activities of Gosalia Shipping are carried out. In support of this there is also evidence of company's director Shri Praveen Kumar who has stated that all the records are lying in the office which is in the possession of the workmen since 1979. It was tried to be urged that the company's registered Head Office is at Madgaon but if the entire record is lying in the office at Vasco-de-Gama, which is in the possession of the workmen, merely because the registered office is at Madgaon would not make any material difference

and the inference would be that at present the record is not in the custody of the management but in the custody of the workmen themselves.

17. Once we arrive at this conclusion, then can the management be blamed for not effecting the payment within reasonable time merely on the ground of lapse of two years? Any offer and payment pre-supposes the calculations, which can only be done on the strength of the record of the company and if the same is lying in the custody of the workmen they cannot take advantage of their own wrong and blame the management for not taking action in furtherance of Section 25FFF of the Act within a reasonable time. Therefore, though there is non-payment, in the first place it is not a condition precedent under Section 25FFF of the Act and secondly because non-payment is not the result of inaction of the management, the termination effected which was valid and legal cannot be disturbed. It was tried to be urged that the management did not take any police action against the workers. Had there been no admission, for determining whether the office is occupied by the workmen or not the conduct would have been different. Here there is a tacit admission about the occupation of the office requiring no inference.

18. When there is a closure and when the activities of the company have been stopped, there cannot be any question of order of reinstatement even in the case of three workmen in Reference No. CGIT-2/46 of 1982 although the termination is held to be illegal. The management even before the Tribunal is not in a position to prove that these workmen were gainfully employed from prior to the relevant date and though an attempt was made to call the employers in whose service these three workmen were stated to be employed, that attempt clearly failed. Shri Rajiv Vernekar stated to have appointed Antonio Salem from 1-4-1982 vide Ex. 22/M. There is therefore evidence to show that these workmen were not gainfully employed before the date of termination and the management though they had tried to bring it home by adducing evidence before the Tribunal failed to do so. On 7-5-1981 therefore neither there was any offer or payment of retrenchment compensation and since the closure was effected from 31-12-1981, the case of termination would not be covered under Section 25FFF but would squarely fall under Section 25F of the Industrial Disputes Act. Further as already stated when there is a closure there cannot be any reinstatement and the only relief which can be the relief including the three workmen in Reference No. CGIT-2/46 and 26 workmen in the companion reference would be to declare that they are entitled to full back wages till 31-12-1981, notice pay and retrenchment compensation. The quantum cannot be determined in the reference and for the said purpose although some more time is bound to lapse, still the only remedy available to the workmen would be to take course to Section 33C(2) of the Industrial Disputes Act or some other action as may be advised. It was urged that no such declaration be given by the Tribunal but when the action is not found to be legal, if something has still remained payable the declaration to the right has to be done though not the calculations.

19. It was tried to be urged that in Reference No. CGIT-2/46 of 1982 even though the termination is not in accordance with the provisions of Section 25F of the Act still having regard to the financial position of the Company, must be deemed to be justified. In the first place the termination is not effected on that ground but on the ground of alleged misconduct and secondly if the provisions of Section 25F are contravened rendering the termination to be bad and illegal the same cannot become justified in whatever circumstances. The closure of the company cannot render the reference infructuous because the rights of the parties have to be determined.

Award accordingly.

No order as to costs.

M. A. DESHPANDE, Presiding Officer
[No L-36012/5/82-D.IV(A)]

New Delhi, the 28th February, 1984.

S.O. 749—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the Life Insurance Corporation of India, Branch Office Jullundur, and their

workmen, which was received by the Central Government on the 15th February, 1984

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

NEW DELHI

I.D. No. 28 of 1978

In the matter of disputes between :

Shri S. K. Verma, resident of 55, Lajpat Nagar, Jullundur
(Punjab)

AND

Life Insurance Corporation of India, Branch Office
Jullundur.

APPEARANCES :

Shri O. C. Mathur—for the Management of L.I.C.

Shri Jitendra Sharma—for the workman.

AWARD

The Central Government, Ministry of Labour, vide Order No. L-17012/9/71-LR.1/D.U.A., dated 10th March, 1978, made the following reference to this Tribunal for adjudication :—

"Whether the action of the management of the Life Insurance Corporation of India, New Delhi in dismissing Shri S. K. Verma, Development Officer in Jullundur Branch of the Corporation with effect from 8-2-69 is justified? If not, to what relief is the workman entitled?"

2. The Life Insurance Corporation of India, Branch Office Jullundur, had highly inflated bills for three telephones, i.e. 2966, 2422 and 2775. The first two were installed in the Office of Branch Unit No. 2 and the 3rd at the residence of the Branch Manager, Shri J. C. Grover. They wrote to the S.D.O. (Telephones), Jullundur on 6th May, 1968 requesting him to investigate all the telephones to know the reasons for highly inflated call bills. On 8-5-1968, the Office of Assistant Engineer (Telephones) informed the LIC Branch Office Jullundur that one Mr. Verma, Field Officer, had telephoned from Telephone No. 2966 for 62 minutes to Delhi. This was followed by letter dated 9-5-68 from the Assistant Engineer (Telephones) Jullundur to the Branch Manager of Life Insurance Corporation, Branch Unit No. 2 Jullundur in the following terms :—

"No. P-5 Dated ATJL 9-5-1968

Subject: Excessive Metering of Telephone No. 2966
Reference: Your letter No. Nil dated 6-5-68

Dear Sir:

Kindly refer to your letter cited above regarding the excessive telephone metering. Your telephone was kept under observation since the receipt of your letter and it has been found yesterday dated 8-5-68 that some body was talking from Phone No. 2966 to Delhi and STD ROUTE. The period for the said call was 1 hour and 2 minutes i.e. from 1410 hours to 1512 hours when the call finished the undersigned gave a light to 2966 & confirmed for the said call. Then Shri Verma a Field Officer of your Branch responded the Phone and he confirmed. So you are requested kindly to investigate at your end that your telephone is regularly used for STD calls due to that naturally (it appears) the calls will be excessive. So you may have a strict control over the telephone to avoid such excessive and metering.

3. The Life Insurance Corporation of India, Branch Office, Jullundur, wrote to Mr. S.K. Verma, Development Officer, by letter dated 8-5-68 (received by Mr. Verma on 9-5-68) that he should pay for 62 minutes call made from 2.10 PM to 3.12 PM to Delhi made by him from Phone No. 2966, installed in the room of Asst. Branch Manager (Day), who was on leave on that day. Mr. Verma denied the use of the telephone and refused to pay and sent his letter on 10-5-68. He pleaded that he was never in the office during the relevant period from 2.10 P.M. to 3.12 P.M.

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4. The Management of Life Insurance Corporation of India charged the workman, Shri S. K. Verma, on 12th July, 1968, under three heads, as under :—

- (1) That you, on 8th May, 1968 at about 2.10 P.M. broke open the telephone lock of Telephone No. 2966 installed in the room of ABM(D), Unit No. 2, Jullundur when he was on leave.
- (2) That you, unauthorisedly made a trunk call from this Telephone number to Delhi by using direct Dialing System, which is operative between Jullundur and Delhi. The talk lasted for about 62 minutes i.e. from 2.10 P.M. to 3.12 P.M.
- (3) That the above call was made by you without taking prior permission as per the prescribed procedure for making any trunk call, from the competent authority. You as such, while making unauthorised use of the telephone without prior permission from the competent authority, acted in a manner prejudicial to good conduct and also caused pecuniary loss to the Corporation.

Mr. Verma in his reply dated 26-7-1968 denied the charges and denied any call having been made by him to Delhi from telephone No. 2966. He asserted that the charges against him were absolutely false and that he wanted first of all to know the witnesses against him, on whom the Life Insurance Corporation of India wanted to rely. He stated that he will produce his witnesses if needed, to rebut the allegations against him only after the Management proved its allegations. He indicated that he was not disclose his witnesses for fear of witnesses being influenced by the Management. He requested that the statements of witnesses be taken in his presence so that he could cross-examine them and help the Management in reaching the right conclusion. In the copy sent to the Divisional President, Jullundur Division, National Federation of Field Workers of India, he mentioned that this was a false case/allegation in which the Branch Manager wanted to involve him in the incident with the help of Senior Divisional Manager.

6. The Enquiry was entrusted to the Accounts Officer (Establishment), Shri P. S. Bhatia, Mr. B. R. Sharma, Assistant Branch Manager (Admn.) was examined in the enquiry and was cross-examined by the workman. Thereafter the Enquiry Officer exhibited the letter dated 9-5-68 received from Assistant Engineer (Telephones), and Mr. S. K. Verma was asked to produce his evidence in defence. Mr. Verma examined Mr. Balwant Singh, District Inspector of Police, C.I.D., Jullundur and Mr. M. G. Kundra, Development Officer Unit No. 2 on one day, and Shri S. N. Chopra, Inspector Excise and Taxation, Department and Shri R. K. Chopra, Engg. Assistant, Improvement Trust on the next hearing. He did not examine Mr. Walia who was earlier mentioned by him as a witness. Before the enquiry concluded, there was an angry exchange between the workman and the Enquiry Officer believed that the workman was going out to influence the witnesses and inform them of the cross-examination of the earlier witnesses, whereas the workman's case was that he had gone out for smoking. The workman requested for a change of Enquiry Officer, which fact the Enquiry Officer recorded in the enquiry proceedings and concluded the hearing on 12-10-1968, at 1.40 P.M.

7. On 14-10-1968, the workman submitted an application to the Enquiry Officer requesting him to summon the Telephones authorities to enable him to cross-examine the person concerned with regard to the contents of the letter dated 9-5-68 alleged to have been received from the telephone department, but the Enquiry Officer replied to him after submitting his findings to the department that the report had been submitted and the hearing had concluded.

8. The workman was issued a show cause notice by the Zonal Manager on 7-12-68 calling him a "habitual offender" and proposing to impose the punishment of dismissal from service, and of recovery from his pay on account of pecuniary loss caused to the Corporation for the unauthorised use of telephone for 62 minutes call from Jullundur to Delhi. The workman submitted his reply on 27-12-1968, but the Zonal Manager dismissed him from service and ordered recovery of telephone charges from him. The workman received this order on 7-2-69. His appeal to the Managing

Director was dismissed and his memorial to the Chairman failed to give him any relief.

9. In his Statement of Claims, the workman pleaded that the Enquiry against him was vitiated, because the names of the witnesses of the Department were not disclosed to him despite his request. He was not given copy of the letter of the Telephone Department to the Life Insurance Corporation of India. The evidence of Shri B. R. Sharma was said to be hesitant and not believable and the workman had produced four witnesses to prove his presence on the afternoon of 8-5-68 at the foundation laying ceremony at the house of Mr. Chopra, Taxation Inspector, where Mr. S. K. Verma claimed to be there between 1.30 P.M. and 3 P.M. on 8-5-68. The Assistant Engineer (Telephones) was not called at the enquiry, despite specific request made. The Enquiry Officer was said to be prejudiced and his findings were said to be perverse. The evidence of Mr. B. R. Sharma was said to be hearsay, when he admitted that he was not sure about the person who was doing it. The departmental evidence at the enquiry was said to be incredible and insufficient for holding the charges proved against the workman. At any rate, the extreme penalty of dismissal from service was said to be excessive. The workman pleaded that he could not be dismissed from service on the story concocted by the then Branch Manager, Shri J. C. Grover, who did not even appear in the witness-box, but purporting Shri B. R. Sharma, Assistant Branch Manager, in order to depose against him, and that he should be reinstated in service and claimed continuity of service with full back wages.

10. The Management of the Life Insurance Corporation of India asserted the bona fides of the Management and the fact of free and fair enquiry held against the workman. The punishment imposed on the workman was said to be proper, on the charges proved against him. There was said to be no mala fides or lack of fairness in dealing with Mr. S. K. Verma. The Management of Life Insurance Corporation of India raised a preliminary objection that Mr. S. K. Verma, Development Officer of LIC, was not a "workman" as the term is defined under Section 2(s) of the Industrial Disputes Act, 1947. The objection was sustained by the then Presiding Officer of this Tribunal on 23-10-1979 and the High Court concurred with that view but the Supreme Court in C.A. No. 2659(NL) of 1980 decided on 2-9-1983 set aside the judgment of the High Court and of the Central Government Industrial Tribunal, New Delhi. It ruled that the terms and conditions of appointment of Mr. S. K. Verma as Development Officer showed him to be a whole time employee of Life Insurance Corporation with no authority whatsoever to bind the Corporation in any way. His principal duties appeared to be of organising and developing the business of the Corporation in the area allotted to him and to recruit active and reliable agents to train them and canvass new business and to render post-sales services to the policy-holders. He had no disciplinary authority over the agents. He could not even supervise their work. He could only train them and assist them. He had no subordinate staff under him. It was observed that the Development Officer could not be said to be engaged in any administrative and managerial work and was a "Workman" within the meaning of Section 2(s) of the Industrial Disputes Act, 1947.

11. The Supreme Court remitted the matter to this Tribunal for disposal within three months from the date of receipt of the order.

12. Unmindful of the Supreme Court's observations, that the public Corporations should not raise preliminary objections when an industrial dispute had been referred by the Central Government for adjudication and that they should welcome judgment on merits of the reference the Life Insurance Corporation of India applied to this Tribunal on 7-1-1984 for permission to amend the written statement and to urge an additional ground that the reference was barred on account of a Civil Suit No. 32 of 1974 by the workman dismissed by Sub-Judge First Class Jullundur on 31-8-77. The application was dismissed the same day indicating that the Tribunal frowned at the idea of preliminary objection taken by the Management at the late stage in 1984 when the reference was of 1978 and the matter related to dismissal of the workman in the year 1968.

13. Mr. S.K. Verma filed his own affidavit and has been cross-examined. The Management filed the affidavit of Shri S.

S. Clair, Senior Branch Manager, Branch Office Phagwara, Life Insurance Corporation of India. He has also been cross-examined. I have heard the arguments addressed by competent representatives of the parties, Shri Jitendra Sharma, Advocate and Shri O.C. Mathur, Advocate.

14. The present reference raised the question of propriety of the quantum of punishment awarded to the workman as also the credibility and sufficiency of the evidence against him. It also raises the question whether Mr. S.K. Verma has been given a fair opportunity at the departmental enquiry. The Enquiry Officer and the departmental authority acted fairly in dealing with his case.

15. Unfortunately, the Management and the Enquiry Officer do not appear to be fair and willing to consider the case of Mr. S.K. Verma on merits. The Enquiry Officer would not disclose the names of departmental witnesses against Mr. S.K. Verma, but would insist on Mr. S.K. Verma disclosing the names of his defence witnesses. Mr. S.K. Verma did not have any representative or helper in the enquiry and he was not asked to make his own statement in the enquiry and in the reply to the show cause notice. Mr. Verma had made a grievance of it that his statement was not recorded at the enquiry against him and that it prejudiced him. The Enquiry Officer became suspicious of Mr. S.K. Verma during the recording of the evidence of Mr. Verma's witnesses to the extent that Mr. S.K. Verma had to ask the Enquiry Officer for a change of the Enquiry Officer. Mr. Verma's request for calling someone from the telephone Department to deal with the identity of the person phoning and hearing the telephone at the telephone exchange was rejected by the Enquiry Officer and the report of the Enquiry Officer shows that he was angry with the workman. In this situation, the Enquiry Officer could hardly be expected to deal with the possibility of Mr. S.K. Verma being innocent in the matter. He appears to have made up his mind against Mr. S.K. Verma already before recording his enquiry report. The show cause notice issued by the Zonal Manager called Mr. S.K. Verma, an 'habitual offender' implying thereby that he was the person responsible for all the excessive telephone calls on the three telephones of the Life Insurance Corporation two at the office and one at the residence of the Branch Manager, whereas there was no evidence whatsoever to suggest Mr. Verma being responsible for the excessive telephone calls from these telephones, apart from the single instance being dealt with. The grievance of the workman is correct that he was the victim of subjectivism and prejudice at the hands of the Enquiry Officer and of the departmental authorities, and that the possibility of his being innocent never crossed their minds, and there was no objective appraisal of his case at any level before the Life Insurance Corporation's authorities. In this situation, it has become necessary for this Tribunal to examine the evidence against him on merits to see whether the evidence of Mr. B. R. Sharma A.B.M.(A) and of the letter from the Telephone Department proved him to be guilty of the charges levelled against him.

16. The letter of the Telephone Department has been reproduced above. The evidence of Mr. B.R. Sharma, A.B.M. (Admn.) is set out below in detail, before critical appraisal of the same:—

"Statement of Shri B.R. Sharma, ABM (A) Unit No. 2 Jullundur

Telephone No. 2966 is installed in the room of ABM (D), Unit No. 2 Jullundur. The day of the occurrence of the incident of unauthorised use of the telephone is 8th of May, 1968. Shri V.P. Sardana, ABM (D) posted during that period was on leave on the particular day referred to above. I was sitting in my office, having returned from lunch at 2.00 P.M. The Attendance Register pertaining to the Development Officers remains at my table under my custody. Immediately after 2.00 P.M. Mr. S.K. Verma came marked his presence in the Attendance Register and went out. After about 23 minutes when I went out in connection with some work I noticed Shri Verma entering the room of the ABM (D). After about half an hour I saw someone using the telephone his back towards the gate. At about 3.15 P.M. I received a telephone that someone used telephone No. 2966 for a trunk call to Delhi. I immediately went out saw Mr. Verma going out of the main gate of the office. I entered the room of ABM (D) and found the small lock by the side of the

telephone. Mr. J.C. Grover my Branch Manager informed me that the Telephone Authorities had informed him that one Shri Verma Dev. Officer had telephoned to Delhi for 62 minutes. I informed Shri Grover that I had seen Mr. S.K. Verma along with another gentleman going to the room of the ABM (D) and I also saw him going out as about 3.15 P.M. It is possible that Mr. S. K. Verma might have telephoned to Delhi as reported by the Telephone authorities. Accordingly, we addressed a letter to Shri S.K. Verma on that day asking him, inter alia, to deposit the amount equivalent to charges of 62 minutes call to Delhi. The matter was also reported to Divisional Office.

At this stage Shri B.R. Sharma showed the lock which was used for preventing the unauthorised use of calls on this particular telephone. It appears, that the lock has been forcibly opened as it is not in working condition now.

Cross-examination by Shri S.K. Verma, Dev. Officer:
Question by Shri S.K. Verma.

Whether the telephone No. 2966 was locked with a small lock, and whether this is the same lock with which the telephone under reference was locked.

Reply of Shri B.R. Sharma.

A. Yes.

Q. Whether there is any bill for this lock in the office

A. It may be with the vouchers for the day it was purchased.

At this stage of the enquiry Shri S.K. Verma requested that if possible he may be shown the voucher for the purchase of the lock.

Q. Whether attendance register in respect of Dev. Officers is kept at your table or is kept under lock and key.

A. During the office hours it is kept at my table.

Q. When did I mark my presence on that particular day.

A. Immediately after 2.00 P.M. May be within 5 to eight minutes after 2.00 P.M.

Q. Was anybody else present when I marked my attendance.

A. Yes, there may be two or three Assistants who sit by my side.

Q. Whether the persons sitting in the office would be able to confirm marking of my attendance, at that particular time

A. I cannot say.

Q. Did you see me opening the door of the room of the ABM (D) when I entered that room.

A. I saw you entering the room. I am not sure who opened the bolt of the room.

Q. From where did you see me entering the room of the ABM (D), and actually using the telephone for trunk-call to Delhi.

A. I saw you from the Verandah outside the room of the Branch Manager when you entered in the room of ABM (D). At that time there was no question of any telephone call to Delhi or any where else.

Q. Have you seen me using the telephone to Delhi on that particular day.

A. The question is very strange. Had I known that you were telephoning to Delhi I would have checked you there, and then.

Q. In your statement you have mentioned that after about half an hour you had seen someone using the telephone, his back towards the gate. How could you recognise that it was Mr. S.K. Verma or Some-one else.

A. Though I did not see the face but I am positive that gentleman using the telephone was none else than Mr. S.K. Verma.

Q. You have stated that after half an hour that you saw some one sitting in the room of ABM (D). Were you sure that Shri Verma was there.

A. Yes.

Q. How long that gentleman (Shri S.K. Verma) was sitting in the room of ABM (D) and what was the time and the duration of his stay in the room.

A. I saw him there at about 2.40 P.M. Evidently Mr. S.K. Verma was therein that room all the time from about 2.09 or 2.10 P.M. when I saw him entering the room to at about 3.15 P.M. when I saw him going out of the main gate of the office.

Q. At what time I left the office.

A. See my reply above.

Q. From whom you received the telephone and had message on the phone or have anything written.

A. I do not know the name of the person but there was some officer from the Telephone Authorities who took pains to inform us about the mis-use of the telephone as we had earlier made complaint for exorbitant telephone bills which we received from their Department. Most probably they were keeping our telephone/telephones under observance and when they noticed that our telephone was used for a very long time to Delhi they immediately informed us over telephone and also confirmed in writing later.

Q. When you saw me going out of the gate why you had not called me.

A. At that time I did not know that the telephone call had been made to Delhi by You.

Q. As stated in your statement that it is possible that Shri S. K. Verma telephoned, it means you are not sure about it.

A. At that time we had not received any letter from the Telephone Authorities and when Shri J. C. Grover my Br. Manager informed me that Telephone No. 2966 has been used for telephoning to Delhi it was only natural for me to presume at that time that since Shri S.K. Verma was seen sitting in the room of ABM (D) for most of the time it was only natural and also possible that S.K. Verma might have telephoned to Delhi. I was definitely not sure at that time keeping in view the circumstances.

Q. The lock which you have given to the Enquiry Officer today after four months, why you had not written in your first letter issued by the Branch Manager on 8th May, 1968.

A. I have handed over the lock to the Enquiry Officer on the very first day of the enquiry. These was absolutely no need for me or for Branch Manager to mention about the lock in the letter addressed to Shri S.K. Verma.

Q. Whether the officer of the Telephone's Department who had given a ring to the office that Shri S.K. Verma, Dev. Officer had used the telephone for Delhi for 62 minutes will confirm in writing, or he simply mentioned that the person who had used the telephone was posed himself as Shri S.K. Verma.

A. The Telephone Officer has already confirmed it in writing. So far I can remember he did not mention the full name as Sh. S.K. Verma what he stated was Mr. Verma, Dev. Officer.

The cross-examination by the accused employee of Shri B.R. Sharma concluded."

17. Shri O. C. Mathur, Advocate for the Management strenuously urged that the evidence clearly established the guilt of the workman and the charged against him were proved beyond any doubt. The workman did not suggest his plea of alibi of being at the Foundation Laying Ceremony at the house of Mr. S.N. Chopra, Taxation Inspector between 1.30 P.M. and 3.30 P.M. to Shri B.R. Sharma, ABM(A). He was said to have made the plea as after thought and procured a few friends of his to depose falsely in favour of his being not there at the Branch Office of the Life Insurance Corporation at the relevant time. Shri B.R. Sharma was said to be an independent person, who had clearly deposed to the presence of the workman before him when the workman marked his attendance in the Register immediately after 2 P.M. Mr. Sharma noticed Mr. Verma entering the room of ABM (D) 2 or 3 minutes after and again saw him using the telephone with his back towards the gate in the office of ABM (D). Mr. Sharma was definite

that at about 3.15 P.M. after he received a telephone that some one used telephone No. 2966 for a trunk call to Delhi, he saw Mr. Verma going out of the main gate of the office and on entering in the room of ABM (D) found a small lock by the side of the telephone. There was said to be no doubt about Mr. Verma, the workman, having made the telephone call from the office of ABM (D) when that officer was on leave and the plea of alibi by the workman was a false one and that it should be rejected by this Tribunal. The cross-examination of Mr. B.R. Sharma by the workman was said to be inapt of unnecessary details and in any event without any significance.

18. It is not possible to agree with Mr. Mathur. If a person makes a telephone call from an office room on a working day when that officer is absent, he would normally bolt the door from inside and then make a call. If he makes a call, he would make it short. In any case, if he makes a long call, he would, at the end of it, when asked by anybody, give out the name of some other person as making the call and not his own name and designation. In these circumstances, the probabilities are that if the person making the 62 minutes trunkcall to Delhi gave out the name of Mr. Verma to the Telephone Department as making the call, the probability is that he gave out a wrong name.

19. Even about the telephone call, the evidence is contradictory. Mr. B.R. Sharma said that he received a telephone call that someone had used telephone No. 2966 for a trunk call to Delhi at about 3.15 P.M. whereas the Telephone authorities in their letter mentioned that they had immediately confirmed that Shri Verma, a Field Officer of the Branch, had made the call. It is not possible to believe that Mr. B.R. Sharma would be informed that someone had made the trunkcall to Delhi from telephone No. 2966 when the telephone department had clearly been told by the caller that the call was by Mr. Verma, a Field Officer of the Branch.

20. It is again significant that the ABM(A) Shri B. R. Sharma, at the time when he went out after 3.15 P.M. and saw Mr. Verma going out of the main gate of the office had clear information that some one used telephone No. 2966 for a trunkcall to Delhi which telephone was at the office of ABM (D), who was on leave. He has deposed that he had seen Mr. Verma getting into the room of ABM(D) a few minutes after 2 P.M. and further he had noticed Mr. Verma telephoning in that room with his back towards the gate. With all these facts known to him, Mr. Sharma would not be doubtful about the identity of the person who used the telephone and when Mr. Verma was going out of the main gate, someone could be sent to call him back and in fact, on this point, Mr. Sharma has been cross-examined by Mr. Verma. The question put to Mr. Sharma was "When you saw me going out of the gate why you had not called me?" and Mr. Sharma gave the reply that "at that time he did not know that the telephone call had been made to Delhi by you".

21. In view of Mr. Sharma being sure that it was Mr. Verma who entered the room of ABM (D) a few minutes after 2 P.M. and Mr. Sharma being sure that it was Mr. Verma who was telephoning with his back towards the gate in the room of ABM (D) and Mr. Sharma further being informed that someone had used the telephone for making a telephone call to Delhi from telephone No. 2966 and his further saying about Mr. Verma going out of the main gate, Mr. Sharma could not, but have known that telephone call had been made by Mr. Verma to Delhi. If he did not know this as he has stated in cross-examination, the clear inference is that he did not see Mr. Verma entering the room of ABM (D), did not see Mr. Verma making the call from the telephone No. 2966 installed in the room of ABM(D) and did not see Mr. Verma going out of the main gate at 3.15 P.M. and that Mr. B.R. Sharma was giving evidence at the instance of the Branch Manager Shri I.C. Grover who talked to him that the telephone Officer had informed that one Mr. Verma, Field Officer had telephoned to Delhi for 62 minutes. It appears that at the instance of Mr. Grover, Branch Manager, Mr. B.R. Sharma shifted the time of marking of attendance by Shri S.K. Verma from a few minutes before lunch to a few minutes after lunch and gave hesitant evidence in chief, but definite evidence in cross-examination linking the workman, S.K. Verma, with the unauthorised use of the telephone for 62 minutes call to Delhi.

22. The broad probabilities of the case do not point to Mr. Verma being the guilty person. The telephone call

office time for 62 minutes could not be the action of a person who comes to office only for making attendance and who is not usually there in the office most of the time. It is not possible to believe that a person would make a 62 minutes unauthorised trunkcall from an office telephone installed in the office of an officer, who is on leave, without bolting the door from inside or getting the door bolted or locked outside by some friend or some other person. Mr. S. K. Verma appears to have been roped in only because the actual caller chose to name him to the Telephone Department as the person who made the call. In all probabilities, the actual caller did not give out his own name and gave a false name and that name happened to be that Mr. Verma, Field Officer, present workman.

23. I am of the clear opinion that the evidence of Shri B. R. Sharma, ABM (A) is unreliable and cannot be the basis for holding the charges proved against Mr. S. K. Verma. In this situation, I think that the four Officers, who gave evidence for Mr. S. K. Verma, were deposing to the truth that Mr. Verma on 8th May, 1968 between 1-30 P.M. to 3-00 P.M. was at the house of Mr. S. N. Chopra, Taxation Inspector, Jullundur, where there was foundation-laying ceremony at House No. 196, Jawaharnagar, Jullundur, and where lunch had been arranged.

24. In the result, the punishment imposed on the workman of dismissal from service is set aside, on the charges framed against him by the department being held not proved. Mr. Verma will be entitled to all the back wages and shall be reinstated in service by the Life Insurance Corporation of India. He shall also have other benefits due to him on the basis that he continued to be in service of Life Insurance Corporation and his services were never terminated. The L. I. C. shall pay him Rupees one thousand as costs of this Reference and shall refund call-charges recovered from Mr. S. K. Verma.

25. The award is made accordingly.

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.
February 10, 1984

O. P. SINGLA, Presiding Officer
[No. L-17012/9/71-LR.1/D.II(A)]

New Delhi, the 3rd March, 1984

S.O. 770.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following fresh award of the Central Government Industrial Tribunal No. II, Bombay in the industrial dispute between the employers in relation to the management of Kandla Port Trust Kandla and their workmen, which he received by the Central Government on the 14th February, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NO. 2 BOMBAY
PRESENT

Reference No. CGIT-2/4 of 1981

PARTIES :

Shri M. A. Deshpande, Presiding Officer.

Employers in relation to the management of Kandla Port Trust, Kandla

AND

Their workmen

APPEARANCES :

For the Employers—Shri S. G. Borkar, Advocate

For the Workmen—Shri T. C. Lulla Assistant.

INDUSTRY : Ports and Docks STATE : Gujarat

Bombay, dated the 13th January, 1984

AWARD

(Dictated in the open Court)

By order No. L-37012/1/81-D, IV (A) dated 26-5-1981 in the following dispute has been referred for adjudication under

Section 10 (1) (d) of the Industrial Disputes Act, 1947:—

"Whether the management of Kandla Port Trust, Gandhidham were justified in imposing the penalty of reuction to the post of Senior Clerk from the post of Store Keeper on Shri T.C. Lulla with effect from 21st August, 1975? If not, to what relief is he entitled?"

2. The workman has filed his written statement at Ex. 10/W whereby he complains that he was appointed as a Junior Clerk in the year 1951 and was promoted to the post of Senior Clerk with effect from 20-4-1954 and then as a Store Keeper by order dated 23-10-1962 which became effective from 13-11-1962. In the year 1974 he was put under suspension and was relieved of his charge of Store Keeper on 24-8-1974. A chargesheet was served on 21-11-1974 and then the enquiry commenced on 31-3-1975 and completed on 21-5-1975. The Enquiry Officer submitted his report holding the workman guilty of the charges I, II and IV only on the strength of which the disciplinary authority was of the view that the workman should be removed from the service. However when a representation was made in reply to the show cause, the Chief Engineer though concurred with the findings of the Enquiry Officer, imposed the penalty reducing the workman to the post of Senior Clerk with immediate effect and further directed that the period of suspension shall be treated as period not spent on duty. The representation against this was submitted to the Chairman of the Kandla Port Trust but the said authority considered the penalty to be proper and therefore declined to interfere in the matter as a result of which an appeal was filed before the Secretary Government of India, Ministry of Shipping and Transport sometime in the month of December, 1977. Ultimately when the dispute was raised before the Assistant Labour Commissioner (C) a failure report was submitted by the said authority on the strength of which the reference under Section 10 (1) (d) of the Industrial Dispute Act has been made.

3. The statement of charges framed against the workman at S. Nos. I, II and IV are as follows:—

"Charge No. I—That the said Shri T.C. Lulla, while functioning as Store Keeper had mala fide motives in accepting a less quantity than that acknowledged material as per particulars given in the attached statement of allegations.

Charge No. II—That while functioning in the aforesaid office, the said Shri T.C. Lulla misbehaved with Assistant Engineer (S&I) on 16-8-1974 and displayed insubordination as brought out in the attached statements of allegations.

Charge No. IV—That while functioning in the aforesaid office, the said Shri T.C. Lulla willfully allowed the contractor to take away one M.S. Plate which did not form part of the auctioned material along with the material auctioned."

4. As regards charge No. I it is the contention of the workman that the material which was checked on 13th August, 1974 was checked in his absence although he was present on duty and that since the material was mixed with other material, no checking could have been done on the relevant day and as such the indictment that the material was found short cannot survive.

5. Charge No. II related to alleged insubordination and the reply to the said charge of the workman is that he had merely stepped in the Cabin of the superior officer to point out the irregularities and that nothing untowards was done by him.

6. Charge No. IV relates to grant of permission by the workman to a tenderer to carry away a metal plate unauthorisedly than the same was never sold to the said tenderer who had purchased the auctioned material. The workman says that the oral statement of the Watchman that the Tenderer conveyed to him about the permission would never have been accepted and as such that charge also must fail.

7. By the written statement at Ex. 2/M the Management has supported the action, justified the enquiry and the findings arrived at and also the punishment awarded and it is stated that no interference is at all necessary. It is further

stated that Shri Lulla is not a member of Kandla Port Workers' Union and the Union having no locus standi in the matter the dispute being not governed under Section 11A of the Industrial Disputes Act no longer can be said to be an industrial dispute and therefore must fail.

8. On the strength of the above pleadings the following issues arises for determination and my findings are :—

ISSUES	FINDINGS
1. Whether Shri T. C. Lulla was a member of Kandla Port Workers Union ?	Yes
2. If not whether the Union has no locus standi in the matter ?	Does not arise
3. If not, whether the reference is tenable ?	Yes
4. Whether the findings of the Enquiry Officer were supported by legal evidence and therefore perverse ?	I & IV Supported. II not Supported.
5. Whether the action of the management in awarding the punishment is illegal and unjustified ?	No
6. To what relief or relief the workman is entitled ?	Nil
7. What award ?	As per order.

REASONS

9. Since there is no order of discharge or dismissal the dispute would not be governed under Section 11A of the Industrial Disputes Act and therefore in case the Union is found to be on scene and that the workmen is found to be without the support of the Union or other workmen, there would be some force in the contention of the management and the individual dispute cannot be said to have been converted into an industrial dispute. In the instant case however I find the Union is very much interested, the workman himself is prosecuting the matter not because there is no support of the Union but because the Union finds it convenient, the workman being fully conversant with the entire facts. The contention therefore that the Union has no locus standi in the matter or that the dispute still remains an individual dispute and therefore cannot be entertained cannot hold good.

10. However, even if this hurdle is crossed by the workman, the question still would be whether the findings of the Enquiry Officer were unsupported by legal evidence and therefore perverse and secondly whether the punishment was illegal and unjustified. Unless the workman is in a position to substantiate these facts his contention challenging the enquiry and the resultant punishment are bound to fail.

11. As already seen under charge No. I the grievance of the management was that the workman had mala fide motives in accepting the quantum of material less than that acknowledged by him. In this connection it seems that by receipts dated 2-8-1974 and 5-8-1974 the workman had acknowledged receipt of empty gunny bags 370 on first occasion and 675 on the second. Thus making a total of 1045 empty gunny bags but when the inventory was taken the total number of empty gunny bags was found to be 1000 that is short of 45 bags. Now the contention of the workman is that since the verification was never done in his presence though the rules require it accordingly and therefore no influence of guilty can be drawn against him. Had the matter rested to inference to be drawn from the difference in number of bags certainly this contention would have weighed but there is the statement of Shri Ibrahim Khan, Storeman who was serving under the workman, who then was posted as Store Keeper, who says that he counted the bags as per the instructions of Shri Lulla which was received from Shri Patel, Contractor and that instructions were that there were 200 bags or so but when counted including four unserviceable bags the bundle was containing 196 empty gunny bags against which the receipt mentioned 370 bags. It is therefore a direct evidence of the witness who says that

receipt of actual bags was far less than those received. Therefore nothing is left for the purpose of inference and there is direct evidence to the fact that though the receipt mentioned 370 bags actually 195 bags were received, and there was clearly a shortage vis-a-vis the record prepared. The contention of Shri Lulla therefore that since he was not present when the actual counting occurred, even if any shortage was discovered the responsibility cannot be attributable to him, cannot hold good. Charge No. 1 besides empty cement bags also includes two other items i.e. M. S. Channels and M. S. Rods. Regarding M. S. Channels the contention was he received the weight of 432 Kgs but when the quantity was verified on 13-8-1974 it was found to be 210 Kgs only and therefore a shortage of 222 Kgs. Regarding M. S. Rods the verification revealed no shortage. Here again the plea of the workman is that since the verification was done behind his back, even if there is any shortage he cannot be held responsible for the same. The Enquiry Officer did not accept this contention. The record speaks that Shri Lulla was Store Keeper and therefore in charge of the Store and if anything is missing from the Store it could not have been without his knowledge. Whether the verification was done in his presence or not when a particular item was found to be short by 222 Kgs. the Store-keeper should have been in a position to explain which he could not and merely because he was not present at the relevant time of was not called there could not be any help to him. The findings of the Enquiry Officer so far as the Charge No. 1 is concerned are fully supported by the evidence during the domestic enquiry.

12. Regarding charge No. II whereby Shri Lulla is indicted of insubordination it seems that Shri Lulla feeling unhappy of the discovery at the time of verification entered Shri D. K. Alimchandani superior officer's chamber, who did not like his visit. In his evidence Shri Alimchandani had stated when contacted Shri Lulla replied "Do whatever you like, whatever I have done is correct". He further says that his attitude towards him was very aggressive and therefore he avoided to get insulted. What is meant by aggressive was not made clear. Against which the version of Shri Lulla is that he had pointed out certain irregularities which was resented by Shri Alimchandani. In view of the evidence of Shri Alimchandani which only discloses that while replying Shri Lulla uttered "Do whatever you like, whatever I have done is correct" and it can never be said that the workman is guilty of insubordination so as to invoke charge No. II. I therefore hold that there was no material before the Enquiry Officer to accept charge No. II.

13. Regarding Charge No. IV the version was that one Shri Raghavaji Hansraj who had purchased the scraps while removing the scraps on 24-6-1974 at 4.30 P.M. in two Cannel cars was found to be removing one steel plate, which was lying in the compound and when Shri Devidas A. Khalasi pointed out to the purchaser that the steel plate was not in his auction and he should not take it away, the reply of the Purchaser before the chowkidar was that Shri Lulla, the present workman had told to take away the said plate. The evidence of the witness further speaks that when Shri Lulla was immediately contacted he did not say anything in the matter. This evidence of Shri Devidas is further supported by Ratanji B. Chowkidar who says that when Shri Lulla was informed about the attempt to remove the plate the reply by the workman (Shri Lulla) was "Let him take it away". Shri Lulla serving as Store-keeper was in charge of the material lying in the Store. Consequently it was his duty to prohibit anybody removing whatever may be of little value unauthorisedly, but Shri Lulla though the matter was reported to him failed to take any action. It was tried to be urged before me that it was the duty of the Security Department to proceed in the matter. Ultimately the action should have been taken by the said department, but when immediately the matter was reported, in the first place the contention of the auction purchaser about the permission had been granted by Shri Lulla had it not been true immediately a reaction to that effect would have been noticed and also prompt action for getting the plate unloaded. The evidence is that Shri Lulla kept quite and took no action thereby fortifying the plea of the management that the removal of the steel plate by the Auction purchaser though it was not purchased by him was with the consent and permission of Shri Lulla. If therefore the Enquiry Officer noted the finding of guilty against the workman

charge No. IV the evidence clearly supported it and the finding therefore cannot be said to be perverse at all.

14. This is not a case of dismissal or discharge and therefore the powers which are vested in the Tribunal under Section 11A of the Industrial Disputes Act to award suitable punishment in case the punishment awarded is harsh and disproportionate cannot be invoked in the instant case. The management has demoted Shri Lulla from the post of Store Keeper to the post of Senior Clerk and since if not all atleast charges I and IV are substantiated by sufficient evidence on record, no interference in the order of punishment is possible although in my view Charge No. II was not sustainable. The result is that the action of the management is held to be justified and therefore the reference must fail.

Award accordingly. No order as to costs.

M. A. DESHPANDE, Presiding Officer
[No. 1-37012/1/81-D. IV(A)]

S. S. PRASHER, Desk Officer

New Delhi, the 20th February, 1984

S.O. 771.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Bararee Colliery of Messrs Bharat Coking Coal Limited, Post Office Bhulanbararee, District Dhanbad and their workmen, which was received by the Central Government on the 14th February, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 31 of 1982

In the matter of an industrial dispute under S. 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employer in relation to the management of Bararee Colliery of Messrs Bharat Coking Coal Limited, Post Office Bhulanbararee, District Dhanbad and their workmen.

APPEARANCES :

On behalf of the employers—Shri B. Joshi, Advocate.
On behalf of the workmen—None.

STATE : Bihar INDUSTRY : Coal

Dhanbad, the 10th February, 1984

AWARD

The Government of India by its Order No. L-20012(382)/81-D.III(A) dated 21st March, 1982 has referred the following dispute between the management of Bararee Colliery of Messrs Bharat Coking Coal Ltd., Post Office Bhulanbararee, District Dhanbad and their workmen under section 7A and 10(1)(d) of the I. D. Act, 1947 to this Tribunal for adjudication :—

SCHEDULE

"Whether the demand of the workmen of Bararee Colliery of Messrs Bharat Coking Coal Limited, Post Office Bhulanbararee District Dhanbad, that Loaders and Trammers of No. 1, Pit, 13-A Seam should be paid full wages for the period of their involuntary idleness on the 7th, 8th and 9th July, 1981 is justified? If so, to what relief are the said workmen entitled?"

Both the parties filed their written statements and rejoinders to the written statement after receiving notices. The parties were again noticed for hearing and on 9-1-84 Shri B. K. Ghosh appeared for the workmen and Shri B. Joshi, Advocate for the employers and on their requests 4-2-84 was fixed for evidence and argument. On 4-2-84 Shri B. Joshi, Advocate for the employers was present in the Court but neither the workmen nor his authorised representative appeared. No petition was filed on behalf of the workmen giving any reason for absence. The case was, therefore, fixed for ex parte hearing on 6-2-84. Shri B. Joshi, Advocate appeared for the employers but the workmen or his authorised representative did not appear. As such, the argument was heard ex parte.

As there was no material in support of the claim of the workmen it has to be held that the workmen have not made out their claim and as such they are entitled to no relief. The Award is accordingly passed.

I. N. SINHA, Presiding Officer
[No. L-20012(382)/81-D.III(A)]

S.O. 772.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad in the industrial dispute between the employers in relation to the management of Mandman Colliery, in Kapasara Area of Messrs Eastern Coal Fields Limited, Post Office Sersapahari, District Dhanbad and their workmen, which was received by the Central Government on the 15th February, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD
Reference No. 63/82

PARTIES :

Employers in relation to the management of Mandman Colliery in Kapasara Area of M/s. Eastern Coal-fields Ltd., P.O. Sersapahari, District Dhanbad.

AND
Their Workman.

APPEARANCES :

For the Employers—Shri R. S. Murthy, Advocate.

For the Workman—Shri A. K. Singh, Vice-President.

INDUSTRY : Coal.

STATE : Bihar.

Dated, the 6th February, 1984

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them U/s. 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the dispute to this Tribunal for adjudication under Order No L-20012(61)/82-D.III(A) dated the 13th July, 1982.

SCHEDULE

“Whether the action of the management of Mandman Colliery in Kapasara Area of M/s. Eastern Coal-fields Ltd., P.O. Sersapahari, District Dhanbad in denying promotion to Shri S. S. Kurup, Clerk Grade-I beyond Grade-I is justified? If not, to what relief is the workman concerned entitled?”

2. On 31st January, 1984 both the parties have filed a joint petition of compromise duly signed on their behalf and they pray that an award be passed in terms of the settlement.

3. I have gone through the settlement which is beneficial for the workman.

4. In the circumstances the award is passed in terms of the settlement which shall form part of the award.

Enc. Settlement.

J. N. SINGH, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 3, DHANBAD

In the matter of Reference No. 63 of 1982

PARTIES :

Employers in relation to the Management of Mandman Colliery of M/s. Eastern Coal Fields Ltd., P.O. Sersapahari, District Dhanbad.

Versus
Their Workmen.

Joint petition of employers and workmen.

The above mentioned employers and the workmen most respectively beg to submit jointly as follows:—

(1) That the matter covered by the above reference has been mutually negotiated between the Management and the workmen with a view to arriving at an amicable over all agreement.

(2) That as a result of such negotiation, the Management and the workmen have agreed to settle the matter on the following terms and conditions:—

(a) That it is agreed that Sri S. S. Karup, Clerk, Gr. I will be promoted by the Management to the post of Despatch Superintendent in Tech. & Supv. Grade 'B' with effect from 6th January, 1984.

(b) That it is agreed that this is an overall agreement in respect of all the claims arising out of the aforesaid reference in respect of the workman concerned and it is in full and final settlement of all such claims.

(3) That the employers and the workmen jointly submit that the aforesaid agreement is fair, just and reasonable to both the parties.

It is therefore jointly prayed by the employers and the workmen that the Hon'ble Tribunal may be pleased to accept this joint petition and agreement contained therein and give an award in terms thereof.

Sd/-
(Arun Kumar Singh)
Vice-President,
Colliery Mazdoor Sabha of India,
Mandman Colliery,
P.O. Mugma, District Dhanbad.

J. N. SINGH, Presiding Officer

Sd/-
(P. Bhalla)
Agent, Mandman Colliery,
E.C.L., Kapasara Area,
P.O. Sersapahari,
District Dhanbad.
On behalf of the
Employers.

J. N. SINGH, Presiding Officer
[No. L-20012(61)/82-D.III(A)]

S.O. 773.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Bansdeapur Colliery of Messrs Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad and their workman, which was received by the Central Government on the 13th February, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 84 of 1982

In the matter of an industrial dispute under S.10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Bansdeapur Colliery of M/s. Bharat Coking Coal Ltd., Post Office Kusunda, District Dhanbad and their workmen.

APPEARANCES :

On behalf of the employers—Shri B. Joshi, Advocate.

On behalf of the workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 6th February, 1984

AWARD

This is a reference under S. 10 of the I.D. Act, 1947. The Central Government by its order No. L-20012(95)/82-D.III(A), dated the 29th July, 1982 has referred this dispute to this Tribunal for adjudication on the following terms:—

SCHEDULE

"Whether the action of the management of Bansdeopur Colliery of Bhagaband Area of Messrs Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad in converting Sarvashri Dharamdeo Singh, Govind Seth, Bisheswar Singh, Bindeshwar Singh and Arballi Mia, Piece-rated Trammers into time-rated Trammers without giving a notice under Section 9A of the Industrial Disputes Act, 1947 is justified? If not, to what relief are the workmen concerned entitled?"

The case of the 5 concerned workmen Sarvashree Dharamdeo Singh, Govind Seth, Bisheswar Singh, Bindeshwar Singh and Arballi Mia is that they had been working as permanent Piece-rated Trammers since long in Bansdeopur Colliery of Bhagaband Area of Messrs. Bharat Coking Coal Ltd. They are active members of Bihar Colliery Kamgar Union. The local management is greatly biased against the members of the Bihar Colliery Kamgar Union and as such the management with an ulterior motive to victimise directed them to work as Time rated trammers without assigning any reason. The management directed them to work as time rated trammers from 20-4-1980 without taking their prior consent and without giving any notice under Section 9 A of the I.D. Act, 1947. The concerned workmen and Bihar Colliery Kamgar Union protested against illegal and arbitrary action of the management for converting them from piece rated trammers to time rated trammers without any notice under Section 9A of the I. D. Act. The earnings and the service conditions of the concerned workmen have adversely been effected due to the illegal and arbitrary action of the management. When the management did not concede to their demand the union raised an industrial dispute before the AIC (C) Dhanbad which ended in failure. Thereafter the dispute was referred to this Tribunal for adjudication. The monthly total earning of piece-rated trammers are higher than time rated trammers. It is not true that the concerned workmen were given time rated job in consultation with United Coal Workers Union which was representing them. The concerned workmen were never the members of the United Coal Workers Union and the said Union had no authority to negotiate on their behalf. The united coal workers Union had no authority to enter into any agreement in respect of the concerned workmen. According to the concerned workmen the action of the management was illegal, unjustified and mala fide in converting them from piece-rated to time rated trammers.

The case of the management is that the concerned workmen were working as piece-rated trammers in No. 2 Pit mine of Bansdeopur colliery in the year 1977. The said No. 2 Pit mine was closed in October, 1977 on account of exhaustion of coal and thereafter all the workmen of No. 2 Pit Mine became surplus and the management decided to deploy them on alternative jobs at different mine of Bansdeopur Colliery in consultation with the United Coal Workers Union which was recognised union of the said colliery. All the workmen including the concerned workmen of No. 2 Pit Mines worked on alternative jobs from October, 1977 till they were absorbed on their original jobs at different mines of Bansdeopur Colliery or the adjoining collieries. The concerned workmen were accommodated as Trammers at 1/11 and 1/12 incline at Bansdeopur Colliery in the year 1980. The trammers are paid either on piece rated basis or time rated basis depending upon various technical factors associated in a particular mine or a section of a mine. In both the cases trammers are placed in Category III and the wages payable is more or less the same. The concerned workmen were fixed in the time scale of Category III in the starting basic of Rs. 18.87 in the scale of Rs. 16.35-0.42-21.31. On the basis of discussion and agreement with the United Coal Workers Union, they were placed at 1/11 and 1/12 incline Mines in the year 1980 where the other trammers were also being paid on time rated basis. The concerned workmen were being paid on the time rated basis from October, 1977 while

they were engaged on alternative jobs and were fixed on time scale basis when they were posted in their original jobs of trammers in the year 1980. The concerned workmen were members of United Coal Workers Union and their case were sponsored by the said Union. All the decisions between the management and the said union were taken in presence of the concerned workmen who accepted the alternative job given to them from October, 1977 and they were accepting payment on time scale. They accepted the time scale without any objection when they were transferred back to their original job as trammers in 1980. The Bihar Colliery Kamgar Union has raised the present dispute without any justification in order to get foot hold in the colliery. No notice under Section 9A of the I.D. Act, 1947 was required to be given while providing alternative jobs to the surplus workers on account of closure of a mine with the agreement of the union and the concerned workmen. The concerned workmen are not entitled to any relief.

The only question to be determined in this case is whether the action of the management in converting the concerned workmen from piece-rated trammers into time rated trammers without giving notice under Section 9A of the I.D. Act was justified. The reference in itself suggests that no notice under section 9A of the I.D. Act had been given to the concerned workmen when their conditions of service from piece rated trammers to time rated trammers was converted. Section 9A of the I.D. Act provides that no employer, who proposes to effect any change in the condition of service applicable to any workmen in respect of any matter specified in the 4th Schedule was effect such change (a) without giving to the workmen firstly to be effected by such change a notice in the prescribed manner of the nature of the change proposed to be effected or (b) within 21 days of giving such notice. Thus the general prohibition under this section is that a notice under section 9A of the I.D. Act must be given prior to any change in the conditions of service applicable to any workmen. Wages including the period of mode of payment is included in the 4th schedule in respect of which notice is to be given under section 9A of the I.D. Act. The management does not assert to have given any notice under Section 9A of the I.D. Act to the concerned workmen prior to the converting of the service conditions of the concerned workmen from piece rated trammers into time rated trammers. MW-1 also did not say that any notice under section 9A of the I.D. Act was given to the concerned workmen. MW-1 in his cross-examination stated that he does not remember if any notice under Section 9A of the I.D. Act was issued to the concerned workmen before the conversion. On the contrary, WW-1 who is one of the concerned workmen has positively stated that the management had not given any notice to them prior to the conversion from piece-rated to time rated. Thus it is clear that no notice under Section 9A of the I.D. Act was given to the concerned workmen although there was change in their conditions of services.

However, there is a proviso to section 9A of the I.D. Act which provides that no notice shall be required (U/S 9A) for effecting any such change (a) where a change is effected in pursuance of any settlement. Award or decision of the Appellate Tribunal constituted under the I.D. Act. The management has tried to bring this case under this proviso. In the W.S. of the management it is said that the concerned workmen were the members of the United Coal Workers Union which was sponsoring their case and all the decisions between the management and the said union were taken in the presence of the concerned workmen and that the concerned workmen accepted that alternative jobs given to them from October, 1977 after the closure of No. 2 Pit Mine and they accepted payment on time scale and when they were transferred back to their original jobs as trammers they accepted the time scale without any objection. The management has produced Ext. M-2 which is the minutes of discussion dated 2-8-79 between the United Coal Workers Union and the management of Bansdeopur Colliery of Bhagaband area. Sl. No. I of the minutes of discussion is in respect of the trammers of Bansdeopur Colliery which shows that the union demanded to convert the piece rated trammers to time rated trammers. It appears that the matter was left to be discussed with the manager of Bansdeopur Colliery. The Ext. M-2 is only the minutes of discussion which does not show that any settlement was arrived at between the management and the workers over the conversion of the piece rated trammers to time rated trammers. This document therefore, cannot establish any settlement. The management has produced

Ext. M-3 which is Photostat copy of letter dated 27-2-80 from Manager, Bansdeopur Colliery to Personnel Manager, Bhagaband Area. By this letter the management of Bansdeopur Colliery has stated that after the closure of No. 8 incline of Bansdeopur colliery the trammers working in the said incline had been given alternative jobs but as they were on piece rated basis no increment was given to them. It is further stated that the Union was always demanding to convert the piece rated trammers to time rated trammers and as such the Manager of the Bansdeopur Colliery recommended to convert the piece rated trammers to time rated trammers. It appears that the said suggestion was accepted by the authorities and accordingly an Office order dt. 15-11-80 was issued re-categorising the services of the concerned workmen and some other trammers who were piece rated. It shows that the concerned workmen who were piece-rated trammers were re-categorised as time rated trammers w.e.f. 1-4-80 in Category III and they were to get revised basic @Rs. 18.87 per day. It will be thus clear from Ext. M-4 that the concerned workmen were piece rated trammers prior to 1-4-80 and that their services were converted as time rated trammers w.e.f. 1-4-80. Ext. M-3 and M-4 cannot be said to be settlements papers between the management and the concerned workmen. Both these Exts. are unilateral documents which do not show that the concerned workmen had arrived at any settlement with the management.

The management has produced Ext. M-1 dated 5-12-79 which is a letter under the signature of Shri Jamuna Singh Secretary, United Coal Workers Union in which it is stated that the concerned workmen along with others who were working in No. 3 incline should be converted from piece rated to time rated. MW-1 has stated that Shri Jamuna Singh had written this letter Ext. M-1 to the Manager of Bansdeopur Colliery on the basis of the discussion which had taken place in item No. 1 of the minutes of discussion Ext. M-2. On the basis of this Ext. M-1 it is submitted that the Union had represented for converting the concerned workmen from piece rated to time rated to which the management agreed and as such there was no need giving any notice under Section 9A of the Industrial Disputes Act to the concerned workmen. The concerned workmen have challenged the correctness of Ext. M-1. Ext. M-1 has been exhibited on the evidence of MW-1. MW-1 has stated that the Secretary, United Coal Workers Union gave a representation to the management for converting them from piece rated to time rated. In cross-examination MW-1 has stated that Ext. M-1 was not written in his presence and he was also not present when Ext. M-1 was received in the Office. The concerned workmen have doubted the genuineness of Ext. M-1 on the ground that it has a fresh writing and was not written on the printed form of the United Coal Workers Union. MW-1 did not know the writing of Shri Jamuna Singh and as such it is not possible for MW-1 to say that Ext. M-1 was given to the management by Shri Jamuna Singh on 5-12-79. The management has not adduced any evidence to show that the concerned workmen were the members of the United Coal Workers Union at the time when Shri Jamuna Singh is alleged to have written Ext. M-1. I have discussed all these Exts. to show that these documents or the oral evidence of MW-1 do not show that any settlement was arrived at between the management and the concerned workmen or their union when a change was effected in the conditions of their service from piece rated to time rated. To me it appears that the management has completely failed to establish a settlement regarding the change in the conditions of service of the concerned workmen and as such the management cannot take the advantage of the umbrella provided under the proviso to Section 9(A) of the I.D. Act.

The fact remains, therefore, that as there was no settlement between the parties changing the condition of services of the concerned workmen from piece rated to time rated, a notice under section 9 A of the I.D. Act was a necessity and unless a notice was given to them the management who had changed the conditions of service of the concerned workmen could not validly convert the conditions of services of the concerned workmen from piece rated to time rated.

The workmen have produced some letters to show that they were protesting against the conversion in the conditions of their service from piece rated to time rated by the management without their consent. The first letter in this connection is Ext. W-3 dated 17/20-2-81 written by Shri N. L.

Singh, Personnel Manager, Bhagaband Area to the Manager, Bansdeopur Colliery regarding payment of difference of wages to Shri Dharamdeo Singh and other piece rated trammers of Bansdeopur Colliery. It appears that there was a discussion held on 12-2-81 by the management with Bihar Colliery Kamgar Union when it was brought to the notice of the management that the piece rated trammers were engaged for sometime in higher categories of jobs but they were receiving a fall back wages of trammer. It is further stated that it has been decided that if such workmen were engaged in higher category of jobs than that of trammers, the difference of wages should be paid to them for the days they worked in the higher category. The next letter in this connection is Ext. W/2/2 dated 3-4-81 which is letter written by Dharamdeo Singh one of the concerned workman to the manager of Bansdeopur Colliery. It is stated that he is a piece rated trammer and that their service have been converted to time rated trammers by the management without his consent.

Ext. W-3/1 dated 3-6-81 is a letter from Shri N. L. Singh, Personnel Manager, Bhagaband Area to the Manager, Bansdeopur Colliery regarding payment of difference of wages to Shri Dharamdeo Singh and other piece rated trammers of Bansdeopur Colliery. It refers to the letter dated 17/20-2-81 (Ext. W-3). A request was made to scrutinise the case of the trammers and arrange for payment, if any, as per discussion held on 12-2-81 with Bihar Colliery Kamgar Union.

Ext. W-2/1 dated 4-5-81 is a letter from Bihar Colliery Kamgar Union to Shri N. L. Singh, Personnel Manager Bhagaband Area. It shows that there was discussion between the union and Shri N. L. Singh regarding Dharamdeo Singh and other trammers of Bansdeopur Colliery whereby the management has agreed to pay the arrears but the same was not paid. It is also stated that the union had opposed the change of service conditions of the trammers from piece rated to time rated and that the management agreed to take the trammers back as piece rated trammers but even that agreement was not implemented and request was made for implementation of the agreement. Ext. W-1 is a letter dated 3-10-81 written by Shri N. L. Singh, Personnel Manager, Bhagaband Area of the Manager, Bansdeopur Colliery. It appears from this Ext. that Shri S. K. Bakshi, General Secretary, Bihar Colliery Kamgar Union had a discussion with him on 25-9-81 regarding Shri Dharamdeo Singh and other trammers who were asked to work in quarry after the closure of No. 2 Pit in the year 1977. It further shows that it was decided (1) that the difference of Rs. 12.95 will be paid to those who work in higher category, (2) payment of wages of Rs. 18.87 shall be paid to Shri Dharamdeo Singh and 4 others and (3) efforts will be made if possible to adjust these five trammers (concerned workmen) in other incline of the colliery where piece rated trammers are working provided there is vacancy and the Personnel Manager requested the manager of Bansdeopur Colliery to implement the decision. Ext. W-2 is a letter dated 27-2-82 from Bihar Colliery Kamgar Union to Shri N. L. Singh which shows that the management had agreed to implement the agreement for payment in difference of wages of trammers to Dharamdeo Singh and others. All these letters have been exhibited on behalf of the workmen to show that objection had been raised on behalf of the concerned workmen regarding their conversion from piece rated to time rated and that the concerned workman had not ever agreed to their conversion from piece rated to time rated.

WW-1 is one of the concerned workman. He has stated that he along with other concerned workmen were working as piece rated trammers in Bansdeopur Colliery since long and that since April, 1980 they were converted from piece rated to time rated. He has denied that he had ever represented to the management for conversion from piece rated to time rated. He has also stated that the management have not given any notice to the concerned workmen prior to the conversion from piece rated to time rated. He has asserted that he is a member of the Bihar Colliery Kamgar Union since 1971 and that the concerned workmen were never the members of the United Coal Workers Union. He has further stated that the earnings of the piece rated trammers are more than the time rated trammers. He has admitted in his cross-examination that Bihar Colliery Kamgar Union and United Coal Workers Union were working in Bansdeopur Colliery since prior to the take over of the Colliery. He has denied that when the concerned workmen were put on alternative jobs they were kept on fixed rate of trammers when Pit No. 2 & 3 were closed. He has also denied that piece rated

concerned workmen were converted to time rated after negotiation with their union. WW-1 has admitted in his cross-examination that Pit No. 2 and 3 of Bansdeopur Colliery were closed in 1977 and as such there was no controversy, now, left, over on the fact whether Pit No. 2 and 3 of Bansdeopur Colliery was not closed in 1977. The evidence of WW-1, therefore, does not at all show that the piece rated concerned workmen were converted into time rated trammers with their consent or with the agreement of their union. MW-1 has stated about his ignorance regarding the discussion in respect of the conversion of piece rated to time rated and as such the evidence of MW-1 is not effective for the purpose of establishing that there was any discussion for settlement regarding the conversion of the piece rated trammers to time rated trammers. He also expresses his ignorance if the area office agreed to convert the concerned workmen from time rated to piece rated. The workmen have taken this in the cross-examination of MW-1 in respect of the letters which have been exhibited on behalf of the workmen showing that the management had agreed to convert the concerned workmen again to piece rated trammers.

The management has produced Bonus Register Ext. M-5 to M-5/4 to show the mode of payment and the amount of payment made to the workmen at different periods from 1977 to 1981. But these Bonus Registers cannot show that the concerned workmen were converted from piece rated to time rated with their consent or on basis of any settlement between them and the management through any union.

Taking all the above evidence into consideration, I hold that no notice under Section 9A of the I.D. Act, 1947 was given to the concerned workmen prior to the conversion of their conditions of service from piece rated trammers to time rated trammers. I further hold that the management has failed to establish that there was any settlement between the parties either through the union or by the concerned workmen themselves for converting the concerned workmen rated with their consent or on the basis of any settlement from piece rated trammers to time rated trammers and as such the change in the condition of service of the concerned workmen, being against the provisions of Section 9A of the I.D. Act, was invalid and inoperative.

In view of the above the action of the management of Bansdeopur Colliery of Bhagaband Area of Messrs Bharat Coking Coal Limited in converting the concerned workmen from piece rated trammers to time rated trammers without giving a notice under Section 9A of the I.D. Act, 1947 is not justified. The management is directed to pay the loss of earnings suffered by the concerned workmen due to the illegal conversion as time rated trammers by calculating the same with reference to the payment made to other piece rated trammers who are admittedly working in Bansdeopur Colliery.

This is my Award.

I. N. SINHA, Presiding Officer.

[No. L-20012(95)/82-D.II(A)]

C. D. BHARDWAJ, Desk Officer.

New Delhi, the 22nd February, 1984

S.O. 774.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal New Delhi, in the industrial dispute between the employers in relation to the management of Bank of Rajasthan Limited, Kanpur, and their workmen, which was received by the Central Government on the 15th February, 1984.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NEW
DELHI

I.D. No. 165 of 1983

In the matter of dispute between

Shri Ashok Kumar Mishra,

C/o, The Assistant General Secretary,

U.P. Bank Employees Union,
36/1, Kailash Mandir,
Kanpur.

AND

The Manager,
The Bank of Rajasthan,
Halsey Road,
Kanpur,

APPEARANCES :

Shri R. C. Pandey—for the Management.

None—for the Workman.

AWARD

The Central Government, Ministry of Labour vide Order No. L-12012/126/82-D.II(A) dated 15th February, 1983, made a reference of the following dispute to this Tribunal for adjudication.

“Whether the action of the management of the Bank of Rajasthan Ltd., Kanpur in terminating the services of Shri Ashok Kumar Mishra, sub-staff with effect from 20-6-1981 and not absorbing him in the Bank's service is justified? If not, to what relief is the workman concerned entitled.”

2. The claim-statement for the workman was filed by Shri Harmangal Parsad, Assistant General Secretary U.P. Bank Employees Union, Kanpur. It was pleaded that Sh. Ashok Kumar Mishra joined the service of Bank of Rajasthan on 13-6-1980 against leave vacancy as a peon and his service were terminated on 20-6-1981, after he had put in 73 days service. It was asserted that the management of the Bank disallowed the workman continued employment and it was unfair labour practice, against paras 495 and 522 of Shastri Award, as also the provisions of 25-G and 25-H of the Industrial Disputes Act, 1947. It was requested that the workman should be ordered to be absorbed on permanent basis in the service of Bank of Rajasthan.

The Management contested the claim. It was said that Mr. Harmangal Parsad had no authority from the workman to file the claim. On merits, it was pleaded that the workman was engaged by the Bank from time to time as substitute peon on temporary basis in leave-vacancy of sub-staff. He worked for 19 days from 23-3-81 to 10-4-81 and for 10 days from 1-7-80 to 10-7-80, otherwise his employment was for 1 to 6 days only at a stretch and he served only 73 days in a period of one year 13-6-80 to 20-6-81. The appointment was in leave-arrangement of staff, and could not entitle the workman any permanency.

4. Mr. V. V. Mangalvedhekar, who appeared for the workman earlier, withdrew his authority and none appeared for the workman today.

5. The Management case appears to be correct. Mr. Ashok Kumar Mishra was never appointed in response to any public notice for such employment, and other Indian Citizens had no chance to apply for this job, who had a right under Article 16 of our Constitution. He cannot swim into harbour of section 25F of I.D. Act, 1947. His appointment were only in leave-vacancy. He is not entitled to permanent appointment in Bank-service. He does not deserve any relief. The action of the management is legal and justified. The award is made accordingly.

Further ordered that the requisite number of copies of this award be forwarded to the Central Govt. for necessary action at their end.

February 9, 1984.

O. P. SINGLA, Presiding Officer.

[No. L-12012/126/82-D.II(A)]

S.O. 775.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal New Delhi, in the industrial dispute between the employers in relation to the management of State Bank of India, Dehradun, and their workman, which was received by the Central Government on the 15th February, 1984.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVT., INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 253 of 1983

In the matter of dispute between

Shri N. K. Kukreti,
C/o Shri V. K. Gupta,
2/363-Namnair,
Agra.

AND

The Regional Manager,
Region-II
State Bank of India,
52-Rajpur Road,
Dehradun.

APPEARANCES :

Shri P. P. Trikha—for the workman
Shri S. S. Sharma—for the Management.

AWARD

The Central Government, Ministry of Labour vide Order No. L-12012/225/82-D.IIA dated 25th December, 1983 made a reference of the following dispute to this Tribunal for adjudication:—

"Whether the action of the management of State Bank of India, Dehra Dun in relation to their August-muni Branch in terminating the services of Shri N. K. Kukreti, Clerk-cum-Cashier with effect from 16-8-80 is justified ? If not, to what relief is the workman concerned entitled ?"

2. The matter has been settled between the Management and the Workman under which the management agreed to reappoint Sh. N. K. Kukreti, as Clerk-cum-Cashier in one of the branches by 7-1-1984, and Mr. N. K. Kukreti agreed not to claim any back wages for the period 16-8-1980 till the date of his re-instatement. The workman representative Mr. P. P. Trikha certified that the settlement of 20-12-1983 had already been upon and the workman had joined the service of State Bank of India, on these terms already. The dispute does not survived for adjudication and a 'No Dispute Award' is made.

Further ordered that the requisite number of copies of this award be forwarded to the Central Govt. for necessary action at their end.

February 9, 1984.

O. P. SINGLA, Presiding Officer.
[No. L-12012/225/D.II(A)]

New Delhi, the 20th February, 1984

S.O. 776.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2 Bombay, in the industrial dispute between the employers in relation to the management of Bank of Maharashtra Bombay and their workman, which was received by the Central Government on the 13th February, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/29 of 1980

PARTIES :

Employers in relation to the management of the Bank
of Maharashtra, Bombay.

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri V. P. Shintre, Advocate.
For the Workmen—Shri J. G. Gadkari, Advocate.

INDUSTRY : Banking

STATE : Maharashtra

Bombay, the 13th January, 1984

AWARD

(Dictated in the open Court)

By Order No. L-12012/74/76-D.II(A) dated the 1st September, 1976 the following dispute has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 :—

"Whether the action of the management of the Bank of Maharashtra, Bombay in terminating the services of Shri S. G. Teli, Sub-staff member of Vikhroli Branch of the Bank with effect from 25-8-1975 is justified ? If not to what relief is the workman entitled ?"

2. On issue of notices to the parties on receipt of reference the Union namely the Bank of Maharashtra Employees' Union who is espousing the cause of the workman has filed statement of claim wherein the contention of the Union is that the Bank by its Memo. No. ST. 10266 dated 16/25-8-1976 terminated the services of the workman on the grounds stated in the statement. It was further submitted that the order of termination referred is a penal order and it has penal consequences and that the same has been issued on various alleged acts of misconduct on the part of the workman. It was argued that in terms of Chapter XIX of the Bipartite Settlement it was incumbent upon the management to hold enquiry in respect of alleged acts of misconduct which the Bank did not hold and given no opportunity to the workman to submit his explanation and therefore the Bank violated the provisions of the settlement and violated the principles of natural justice. It was therefore urged that for these reasons the termination with effect from 25-8-1975 was unjustified and reinstatement therefore should be ordered.

3. When the Union representing the workman was contending that the order of termination was issued on various grounds of alleged misconduct the Bank denies these contentions by their written statement and denied that it is a penal order having penal consequences and denies that it was necessary to hold a domestic enquiry, and ultimately pleaded that in exercise of the powers under Para 522 of the Sastry Award they have brought about severance of the relationship. While doing so the Bank has narrated certain circumstances namely alleged retention of Rs. 800 by the workman from the time he was entrusted with the same for exchanging soiled notes on 14-7-1975 to 19-7-1975 when ultimately the money was deposited with the Bank. So also reference is made to various Memos. issued by the Bank and improper behaviour of the workman and it is stated that the Bank ultimately was of the opinion that Shri Teli is not a suitable person to be retained in the Bank and therefore powers under para 522 of the Sastry Award were exercised. The Bank denied to have committed any violation of the terms of Bipartite Settlement or the principles of natural justice.

4. Before we turn to the facts of the case, certain events which occurred during the pendency of the reference need be referred to. It was tried to be urged on behalf of the Bank that since there was no industrial dispute raised with the management the Tribunal has no jurisdiction to entertain the reference which contention of the Bank was rejected by order dated 23-9-1978. It was held that para 522 of the Sastry Award cannot be called in aid of the Bank and the termination cannot be sustained on provisions of this paragraph. Similarly on reference to para 19.12(c) of the Bipartite Settlement it was held that sub-para (c) is the stage of punishment under disciplinary proceeding and it has to be preceded by a charge-sheet and evidence as contemplated by sub-para (a) and as admittedly no such action has been taken and therefore the argument that the action was taken under para 19.12(c) cannot be sustained and therefore the reference was held to be valid and the preliminary objection stood rejected.

5. When the matter proceeded further by application dated 3-11-1978 and 20-11-1978 permission to lead evidence to justify the order of reference was sought whereby the Bank attempted to bring home the charge of misconduct of the workman. During the course of argument it was considered the case the Bank was making out was not falling under

para 522 of the Award and the justification tried to be sought is now on the lines of possible disciplinary action or on causes sufficient to pass an order of termination in such disciplinary action. However this attempt was opposed and ultimately it was found that this amounts to sniffling in pleadings and making out a contradictory case and that by ordinary canons of amendment of pleadings such a shift or change in a case cannot be allowed, particularly when this is sought to be done after losing on the first aspect, by arguing that case at the preliminary stage.

6. Against this order dated 7-11-1979 passed by my learned predecessor the matter was taken to the Hon'ble High Court in Misc. Petition No. 2272 of 1979 and ultimately on 13-1-1983 the said petition stood withdrawn on the ground that the Bank desired to amend the pleadings before the Tribunal. However though the event occurred in the month of January, 1983 the Bank took about nine months for moving the Tribunal for amendment on which occasion there was opposition from the Union and the result was that on account of laches and considerable delay in moving the court for amendment the prayer for amendment stood rejected.

7. The case as it stands has become curious one namely on one hand the case of the Union from the beginning was that it was a penal order having penal consequences issued by the Bank for various alleged misconduct on the part of the workman. The Bank in their attempt to oppose the plea denied these allegations and though subsequently attempt was made to retrace the steps, but as the stand was not taken in time, the attempt to seek amendment stood rejected. Ultimately it will have to be decided in the light of the pleadings and on the rights of the parties particularly when the case is being brought about under Section 25F of the Industrial Disputes Act placing reliance on the alleged failure of the Bank to fulfil the conditions like payment of retrenchment compensation and notice pay. It is not that merely before the Tribunal such type of case was tried to be made out but when the matter was before the Conciliation Officer as evident from his report dated 17-5-1976 the Union was all along contending that the Bank did not call for the explanation nor has conducted any enquiry into the alleged misconduct but unilaterally terminated the services of Shri Teli. It was further alleged that the workman being confirmed employee having put in more than 10 years of service, the Bank's action in terminating his services without holding any proper enquiry is unjust and illegal and therefore the notice of termination is liable to be withdrawn. The Bank at the said time filed written comments and contended that there were lapses committed by the workman, there were progressive deterioration in his conduct and that the workman had utilised the Bank's money in unlawful manner and therefore it was felt that he does not deserve to be retained in the Bank's service. Lastly it was urged before the Conciliation Officer that nothing more was required to be established through an enquiry in the matter. At the time of conciliation proceedings as well as during the present reference as the pleading of the Union stands, which is not amended till now the case of the workman is that termination order is a penal order with penal consequences issued for the alleged acts of misconduct on the part of the workman. Immediately therefore a question arises as to whether in the light of these pleadings on the part of the Union which is evident as already stated by me not amended even now, can the Union or the workman now say that Section 25F of the Industrial Disputes Act is attracted, and that because no procedure laid down therein was followed, the action amounted to retrenchment under Section 2(oo) of the Industrial Disputes Act is illegal and invalid and therefore not justified?

8. Before we discuss this point a reference to the ratio laid down by the Lordships of the Supreme Court in L. Robert D'Souza Vs. Executive Engineer, Southern Railway 1982 (1), 11J, page 330 will have to be referred to because it is held there that the definition of expression "retrenchment" in Section 2(oo) is so clear and unambiguous that no external aids are necessary for its proper construction. It was further held that as well-settled position in law that if termination of service of a workman is brought about for any reason whatsoever, it would be retrenchment, except if the case falls within any of the excepted categories namely (i) termination by way of punishment inflicted pursuant to

disciplinary action, (ii) voluntary retirement of the workman (iii) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf (iv) termination of the service on the ground of continued ill-health. It was also laid down that once the case does not fall in any of the excepted categories the termination of service even if it be according to automatic discharge from service under agreement would none the less be retrenchment within the meaning of the expression in Section 2(oo). It was tried to be urged on behalf of the Bank by placing reliance on the case Kamleshkumar Rajnikant Mehta Vs. Presiding Officer, Central Government Industrial Tribunal No. 1 reported in 1980(1) 11J, page 336 that retrenchment is merely the discharge of surplus staff of labour in a running or continuing business or industry, for certain reasons, as for example cutting down on expenditure or wanting to introduce labour-saving devices and since there is no such allegation, the termination can never be said to be retrenchment. For the said purpose the Hon'ble Bombay High Court relying upon the decision of the Kerala High Court in L. Robert D'Souza Vs. Executive Engineer, Southern Railway, 1979 (1), 11J, page 211 their Lordships expressed their agreement with the relevant observations. However in L. Robert D'Souza case 1982 (1), 11J, page 330 it has been specifically stated that the decision in L. Robert D'Souza Vs. Executive Engineer, Southern Railway 1979 (1), 11J, page 211 has been specifically overruled by the decision in Santosh Gupta Vs. State Bank of Patiala 1980(1), 11J, page 72 and therefore if there is any decision of the Hon'ble Bombay High Court because the Lordships were in agreement with the observations of the Kerala High Court case, and if there is subsequently a case decided by the Lordships of the Supreme Court, the latter case will have to be respectfully followed and as such the case on which reliance is placed on behalf of the Bank cannot apply. The feet then remains that so far as the workman is concerned and the Union supporting the case, the order is a penal order having penal consequences issued for various alleged acts of misconduct on the part of the workman, without giving any opportunity to the workman to submit his explanation on the alleged misconduct. Now once this stand is taken by the workman and the Union, once it is noticed that it was also their stand before the Conciliation Officer, the question would be whether they who were opposing the Bank's attempt to change the stand and therefore opposing the attempt to seek amendment to the pleadings, can themselves turn round and say that the termination amounts to retrenchment under Section 2(oo) of the Industrial Disputes Act because it amounts to termination for whatsoever reason not excepted by the definition although their pleadings as they stand states to the contrary?

9. When we have to consider the contention what is the case of the workman or the Union will have to be considered to determine whether the case falls under Section 25F or not and not the defence of the Bank. Therefore although the Bank denied these allegations and subsequently failed in their attempt to change their stand, still the statement of claim on behalf of the workman by the Union who is espousing his cause when allowed to go unamended would still have legal force.

10. Similar question arose for consideration before the Divisional Bench of Delhi High Court in Lachman Das Vs. Indian Express Newspapers (Bombay) Pvt. Ltd., 1977 LAB I.C. 823. In the said case the allegation of the petitioners namely the workman was that they were victimised because of their union activities and participation in the strike which was held to mean that they were really punished by the employer by way of disciplinary action. It was therefore held in the said case that the meaning of termination of services alleged by the petitioners was outside the definition of retrenchment, as the termination by way of disciplinary action as a punishment is directly conflicting with termination by way of retrenchment, since the former is by way of punishment while the latter is in the interest of economy. It was held that the law is well settled that no amount of evidence can be looked upon a plea which was never put forward. Their Lordships therefore rejected the case of the petitioners.

11. Here also as already pointed out the case of the Union all along was the order is a penal order having penal consequences issued for the alleged misconduct on the part of the workman without giving him an opportunity to

submit his explanation on the alleged acts of misconduct. Therefore, when we refer to definition of Section 2(oo) it falls under the excepted category namely otherwise than as a punishment inflicted by way of disciplinary action and the workman and the Union when plead accordingly, do not derive the benefits of definition of retrenchment or the rates of the case in *L. Robert D'Souza Vs. Executive Engineer, Southern Railway*.

12. Even though such is the position the question still arise and remains for determination would be whether the services of Shri Teli have been legally terminated. For the said purpose certain procedures has been laid down. Even it is not to be retrenchment still the Bank does not have absolute right to bring about the severance but must follow the provisions of the Sastri Award which are binding on the parties either there is a misconduct alleged to hold a departmental enquiry and then in case the charge is proved to proceed to take action or if the case does not involve disciplinary action to follow Para 522 of the Sastri Award. The records shows that neither any enquiry was held nor any notice as laid down in para 522 of the Sastri Award was issued and therefore the action of the Bank becomes clearly unjustified.

13. Here is the case because of the previous conduct as is evident from the material brought on record the employee has lost confidence of the Bank. In the document produced by the Bank there are Memos and also there is reference to retention unauthorisedly of bank's money by this workman concerned. The Bank therefore lost confidence there was sufficient reason for the same. I am considering this only for the purpose of relief to be granted to the workman and for considering in the light of the past events reinstatement should be ordered particularly reinstatement of the workman who had handled the cash in the manner stated, cash of an institution having in their coffers lakhs of money though I find that the termination has not been validly done. I therefore follow the ratio laid down in *Jaslok Hospital and Research Centre Vs. B. V. Chavan* 1983, LAB. I.C. 1100, though the case is not directly on the point. I hold that the workman shall be treated as retrenched with effect from this date and shall be entitled to 50 per cent of the back wages with effect from the date of termination namely 25-8-1975. There is no proof to hold that the workman was gainfully employed and therefore there is no question of any further deduction. Since Section 25F of the Industrial Disputes Act is held not to be attracted there is also no question of termination being illegal and therefore non-est.

Award accordingly.

No order as to costs.

[No. L-12012/74/76-D.II(A)]
M. A. DESHPANDE, Presiding Officer

S.O. 777.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of Bank of Baroda, New Delhi and their workman, which was received by the Central Government on the 13th February, 1984.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 54 of 1978

In the matter of disputes between :

Shri Ved Bhushan,
through,

Bank of Baroda Employees' Association,
15A/13 Western Extension Area Karol Bagh,
1st Floor New Delhi.
Bank of Baroda,

AND

Bank of Baroda Building,
Parliament Street,
New Delhi.

APPEARANCES :

Shri Jitendra Sharma—the workman.

Shri S. S. Setbi—for the Management.

AWARD

The Central Government, Ministry of Labour vide Order No. L-12011/15/78-D.II. A. dated 6th/14th June, 1978 made a reference of the following dispute to this Tribunal for adjudication :—

Whether the demand of Shri Ved Bhushan, Godown Keeper, Ballabhgarh in the Bank of Baroda for being treated as an employee of Connaught Circus Branch of the Bank in Delhi and M. P. Region and not of Punjab and Haryana Region is justified? If so whether he is entitled to diem allowance for the period from 1973 to 1976 for which he served at a Godown at Ballabhgarh or any other relief in this regard?

2. The Bank of Baroda Employees' Association for Mr. Ved Bhushan has claimed diem allowance at the rate of Rs. 15 per day for the period from 1st March, 1973 till 30th November, 1976 when he worked at the Godown of Avon Services Private Limited on the ground that his headquarters were at the Connaught Circus Branch of the Bank and he remained away from this headquarter and was entitled to Halting Allowance.

3. The Management contested the claim and asserted that no such allowance was admissible to such Godown Keeper who was posted at the Godown of Avon Services Private Limited and who did not have to attend at the Connaught Circus Branch on any day and in fact, when he came to Connaught Circus Branch on 20-10-73, he claimed Rs. 15 as diem allowance and he was granted that amount.

4. The evidence of the parties has been recorded and I have heard the representatives of the parties.

5. It is under the Sastri Award, Para 549 that Halting Allowance was allowed. The provisions therein are as under :—

549. The All India Bank Employees' Association demands that a halting allowance of 6-1/4 per cent of the monthly basic pay be paid to a workman in addition to other emoluments for any day during which he is absent from headquarters on duty. By halting allowance is meant the kind of allowance defined in the Reserve Bank of India Staff Regulations as a 'payment made to an employee in addition to other emoluments for any day during which an employee is absent from headquarters on duty and is intended to cover the ordinary daily expenses incurred by him in consequence of such absence'. The bank Counsel were not opposed to the grant of halting allowance though they would eliminate all chances of making it a source of profit.....
"Pay" means basic pay, officiating and special allowance if any."

6. The claim is based on the basis that halting allowance is admissible under the above said para of Sastri Award on account of absence from headquarters on duty.

7. In this connection, Clause 6.81 to 6.84 of Desai Award of 1962 may be referred to, which are in the following terms :—

6.81. The Vadodra Rajya Bank Nekar Sangh has claimed that by way of halting allowance an employee who is not a member of the subordinate staff drawing a pay of less than Rs. 205 should be paid Rs. 8 per day, an employee drawing a pay of Rs. 205 and above should be paid Rs. 10 per day and employees who are members of the subordinate staff should be paid Rs. 5 per day.

6.82. Demands more or less of a similar nature have been made by some other workmen's organisations. The All India Bank of Baroda Employees Federation has by a supplementary statement, claimed halting allowance at the same rate at which the All India Bank employees Association has claimed it but it has also demanded halting allowance for all employees who are required to leave their headquarters on temporary transfers as also for the godown keepers who are required to be in charge of godowns situated at a considerable distance from the branches to which they are attached.

6.83. The banks in general are opposed to a change in the present provisions of the Sastry Award regarding halting allowance as they consider them to be adequate. The Bombay Exchange Banks Association has submitted that it is contrary to principle to pay halting allowance in the case of temporary transfer and that halting allowance should only be admissible when an employee is required to stay overnight outside the headquarters. The Bank of Baroda, in reply to the demand of the All India Bank of Baroda Employees Federation in connection with halting allowance to godown keepers, has stated that when an employee takes up employment as a godown keeper he knows that he will be posted at godowns which are generally located near factories and outside residential areas, that the work of a godown keeper must, by the very nature of the job involve his posting at godowns at some distance from the branch where he is posted and that the wages fixed for him have already taken such things into account. The bank is, therefore, opposed to the grant of halting allowance to godown keepers.

6.84. Halting allowance is intended to cover the ordinary daily expenses incurred by an employee when an employee is absent from headquarters on duty. It is not intended to yield any profit. The expenses incurred by employees when absent from headquarters on duty do not vary according to the working funds of the banks in which they are employed and it is desirable that all class of banks should pay halting allowance at the same rate in the same area.

8. The very fact that All India Bank of Baroda Employees Federation claimed halting allowance at the same rate on which the All India Bank Employees Association claimed it for those who leave their headquarters for temporary transfer and also for Godown keepers who were required to stay on a considerable distance from the branch to which they were attached clearly showed that the Bank of Baroda Employees Federation understood that the halting allowance was not payable to the godown keepers having their posting as Incharge of Godowns at a distance from the branches to which they were attached. The Desai Award did not award halting allowance to the godown keepers in the aforesaid circumstances.

9. The workman himself understood that he was not entitled to halting allowance at Avon Services Private Limited at Ballabgarh and he claimed diem allowance when he visited Connaught Circus Branch, New Delhi and came from Ballabgarh, on 20-10-73.

10. I am of the clear opinion that the word 'headquarters' in para 549 of the Sastry Award actually means place of posting and not the branch to which a Godown Keeper is attached.

11. In view of what is stated above, the claims of the workman, Shri Ved Bhushan, to halting allowance for a period of over three years is non-meritorious and he is not entitled to any relief and the award is made in the terms aforesaid.

Further ordered that the requisite number of copies of this award be forwarded to the Central Govt. for necessary action at their end.

February 8, 1984.

O. P. SINGLA, Presiding Officer
[No. L-12011/15/78-D. II(A)]

S.O. 778.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal New Delhi, in the industrial dispute between the employers in relation to the management of Hindustan Commercial Bank, Hazaratganj, Lucknow and their workman, which was received by the Central Government on the 13th February, 1984.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI.

I.D. No. 65 of 1981.

In the matter of disputes between.

Shri Kanhaya Lal,
through,

Secretary, U. P. Bank Employees Union,
Redgate Hotel, Goleganj, Lucknow,

AND

Hindustan Commercial Bank Limited,

Kanpur.

PRESENT :

Shri B. C. Aggarwal—for the Management.

None—for the workman.

AWARD

The Central Government, Ministry of Labour, vide Order No. L-12012/247/80-D. II(A) dated 26th May, 1981 made the following reference to this Tribunal for adjudication :—

"Whether the action of the management of Hindustan Commercial Bank, Hazaratganj, Lucknow in retiring from service Shri Kanhaya Lal with effect from 6-7-80 (A.N.) is justified? If not, to what relief is the workman concerned entitled?"

2. The workman in his Statement of Claim pleaded that he entered the service of Hindustan Commercial Bank Limited on 20th September, 1943 and could be retired on the completion of 60 years of age, but he was retired on 6-7-80, much before completing 60 years of age, whereas he was to be deemed to be continued till 19-9-82.

3. The management contested the claim and raised a few preliminary objections. On merits, it was pleaded that the workman, when he joined the service, stated in the particulars furnished by him, which were signed by him, his date of birth as 7-7-1920 and he has been retired on attaining the age of 60 years on the basis of the date of birth furnished by him. The management has also furnished photo copy of the particulars which mention his date of birth as 7-7-20. He also confirmed his date of birth as 7-7-20 by sending letter dated 4-2-53, Copy of which is on record.

4. Mr. V. V. Mangalvadekar has withdrawn his representation in the case and there is no one for the workman nor the workman himself present.

5. It appears from the evidence furnished by the management of the Bank that they retired the workman bona fide on reaching the age of superannuation on 6-7-80 when the workman himself gave his date of birth as 7-7-20 and which he confirmed later in 1953. The action of the Management in retiring the workman on 6-7-80 (A.N.) is proper and

just and does not call for interference and an award is made accordingly.

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

February 6, 1984.

O. P. SINGLA, Presiding Officer
[No. L-12012/247/80-D. II(A)]

S.O. 779.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal New Delhi, in the industrial dispute between the employers in relation to the management of Punjab National Bank Kanpur and their workman, which was received by the Central Government on the 13th February, 1984.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 74 of 1981

In the matter of disputes between :

Shri S. N. Agnihotri, through,
U.P. Bank Employees Union,
Kanpur.

AND

Punjab National Bank,
Kanpur.

PRESENT :

None—for the workman.

Shri Mohar Singh—for the Management.

AWARD

The Central Government, Ministry of Labour, vide Order No. L-12012/259/80-D. II. A. dated 26th June, 1981 made a reference of the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Punjab National Bank, Kanpur in not taking into account the temporary service rendered by Shri S. N. Agnihotri, temporary Clerk from 9-6-72 towards his probationary period, is justified? If not, to what relief is the workman concerned entitled?”

2. Shri V. V. Mangalvadhekar, as Officer-bearer of U.P. Bank Employees Union, appeared for the workman and a statement of claim was filed that the workman Shri S. N. Agnihotri worked continuously from 9-6-72 to 27-8-72 at Gunti No. 5 Branch of Punjab National Bank against leave arrangement and partly as additional hand. He joined the Ihansi Branch on 28-8-72 and there was no break. Under the bi-partite settlement dated 19-10-1966, Para 20.8, the workman claimed that he was to count the previous service and that was the practice which was followed in respect of two persons, namely, Shri Pratap Narain Tripathi, and Shri Lakshmi Dhar Pandey, Clerk-cum-Cashiers, but not in his case. It was alleged that he fulfilled the requirements of para 20.7 of the bi-partite settlement and the employer at Ihansi and at Gunti No. 5 Branch was the same and he was entitled to the benefits claimed by him.

3. The management contested the claim and asserted that the action of the management was proper, because Shri S. N. Agnihotri was purely temporary employee in leave arrangement. His case fell under clause 20.7 and not under clause 20.8 of the bi-partite settlement and that his claim was non-meritorious.

4. The management filed an affidavit of Shri Lalit Mohan Agarwal, Manager, Punjab National Bank, Gunti No. 5 Branch Kanpur, wherein he stated that the workman was purely a temporary employee at Gunti No. 5 Branch or as additional hand from 9-7-72 to 27-8-72 and was never appointed against permanent vacancy. The Management has further filed an affidavit of Shri B. R. Malhotra, Offg.

Manager Gunti No. 5 Branch, Kanpur, where has mentioned that under the bi-partite settlement dated 5-5-79 between All India Punjab National Bank Employees Federation and the Management of Punjab National Bank, a settlement had been arrived at that temporary employees whose services have been absorbed were allowed one increment w.e.f. 1-4-78 and the same was done in the case of Shri S. N. Agnihotri.

5. Today, Shri Mangalvadhekar withdrew his representation for the workman and the action of the management appears to be in accordance with the settlement reached between the All India Punjab National Bank Employees Federation and the management of Punjab National Bank and does not call for any interference. The award is made accordingly.

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.
February 6, 1984.

O. P. SINGLA, Presiding Officer
[No. L-12012/259/80-D. II(A)]

S.O. 780.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay in the industrial dispute between the employers in relation to the management of Dena Bank, Bombay and their workman, which was received by the Central Government on the 14th February, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/19 of 1983

PARTIES :

Employer in relation to the Management of Dena
Bank, Bombay

AND

Their Workman

APPEARANCES :

For the Employer—Shri S. B. Turkhud, Advocate.

For the Workman—Shri M. B. Anchan Advocate.

STATE : Maharashtra.

INDUSTRY : Banking

Bombay, the 2nd February, 1984

AWARD

(Dictated in open Court)

By their order No. L-12012(127)/82-D.II (A) dated nil April, 1983 the following dispute has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947.—

“Whether the action of the management of Dena Bank, Palitana Branch in terminating the services of Shri Savji Parshottam Baraiya, Chowkidar with effect from 31-3-1981 is justified? If not, to what relief, the workman is entitled to?”

2. The contention of the workman who has filed statement of claim is that he was an employee of the Dena Bank, Palitana Branch and serving as a Watchman for more than five and half years and it is alleged that he used to receive payment from the Bank regularly for which vouchers were being issued. It is alleged that despite his long service he was removed unceremoniously without following the procedure laid down under Section 25F of the Industrial Disputes Act, 1947 rendering the removal which amounts to retrenchment, illegal, invalid and as such entitling the workman to get the order of reinstatement with all back wages.

3. The Bank by its written statement has denied the relationship of employer-employee. It is the contention of the Bank that M/s. Yeast Alco Enzymes Ltd., a public limited company having certain credit facility at Ashram Road, Branch, Ahmedabad, for the financial assistance rendered to them by the Bank hypothecated the assets of the said company by creating a floating charge of all assets creating a

security. It is the contention of the Bank that for the protection of the goods which remained in the possession of the company, they i.e. the Company engaged the services of a Watchman/Security Guard and he was being paid Rs. 150 per month by debiting the account of the company at the Ashram Road Branch upon debit advice received from Palitana Branch. Such, it is alleged, type of arrangement of engaging of watchman is in vogue and Shri S. P. Baraiya, the workman was never employed by the Bank nor he was governed by the working hours nor under the supervision of the Bank and therefore he could not be an employee. Regarding the termination the contention of the Bank is that the termination was not effected by the Bank but by the company sometime in April, 1981 and in this manner the charge of illegal termination has been refuted.

4. On the above pleadings the following issues arise for determination and my findings are as follows :

Issues	Findings
1. Whether there was relationship of employer-employee between the parties as contended ?	No
2. If yes whether the services of workman concerned was legally terminated.	Does not arise.
3. If there existed no relationship as alleged, is the workman entitled to any relief?	No
4. If there existed the relationship but the termination is found to be unjustified, to what relief the workman is entitled?	Does not arise
5. What award ?	As per order.

REASONS

5. The main contention in this case would be whether there exists any relationship of employer-employee between the Bank on one hand and the workman on the other which question would decide the fate of the matter because in case the relationship is established since admittedly the procedure under Section 25F of the Act was not followed the termination amounting to retrenchment would be illegal and therefore non-est. Against this if the record speaks that the employee was never in the service of the Bank, but was an employee of the company who hypothecated the assets to the Bank the other question can never arise for consideration and in that case if action any for the alleged wrongful termination would be against the company and not against the Bank.

6. Under the Sastry Award by which the Bank employees would be governed, paragraph 495 of the said Award required that on a candidate's appointment as a temporary employee, a probationer or a permanent member of the staff a written order specifying the kind of appointment and the pay and allowances to which he would be entitled shall be issued and such order shall be given on appointment of part-time employee also. It is true that under paragraph 16.9 of the Desai Award casual and job workers are excluded from the scope of the Sastry Award and casual or job workers can be appointed on contractual wages which may even be lower than the pro-rata wages fixed for the workman of the cadre can be paid. However, everything depends upon whether at any time during the service there existed relationship of employee—employer between the workman and the Bank so as to confer the status of Bank employee whether temporary or permanent in that case would be immaterial.

7. Admittedly there is no such written order forthcoming on the contrary in the letter dated 20-3-1978 issued by the Manager, Palitana Branch it is mentioned that the employee was appointed by M/s. Yeast Alco Enzymes Ltd. Similarly it is transpired in the evidence of the workman that his name was never in the Muster-roll of the Bank, he was not required to sign the Pay Register. He was never paid any bonus, overtime or leave wages though according to him he was working on all the seven days in a week without weekly off that too 24 hours a day. No doubt the absence of these facilities made available to this employee would be a piece of evidence showing the conduct of the parties yet when read in the light of other factors namely want of appointment letter, the service of the workman from

1974 when hypothecation happened in the year 1975 as seen from the Deed of Hypothecation and the fixed quantum of wages paid to the workman bereft of any increment etc. I am convinced that the employee never entered in the service of the Bank but was in the service of company who hypothecated the Goods i.e. the public limited company and as such if he was relieved from the service, action would be not against the Bank but against M/s. Yeast Alco Enzymes Ltd. Even the letter dated 31-3-1981 speaks of relief from the service of the company and not from the service of the Bank.

8. The result is that when the relationship is not established, other considerations would not arise at all in the present reference to which the company is not a party.

9. I must note here that at my request Shri M. B. Anchan, Advocate appeared in the case as amicus curiae representing the workman.

The reference fails.

No order as to costs.

M. A. DESHPANDE, Presiding Officer
[No. L-12012/127/82-D.II(A)]
N. K. VFRMA, Desk Officer

नई दिल्ली, 24 फरवरी, 1984

का० आ० 781.—मेसर्स पोरिट्टस एण्ड स्पेनसर (एशिया) लिमिटेड, 113/114, सेक्टर-24, फरीदाबाद (पंजाब/3700), (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक अभिदाय या प्रीमियम का सन्दाय किए बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निक्षेप सहबद्ध बीमा स्कीम 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुज्ञेय हैं;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, पंजाब को ऐसी विवरणियाँ भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएँ प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करें।

2. नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर सन्दाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन समय-समय पर निर्दिष्ट करें।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का सन्दाय, लेखाओं का अन्तर्गण, निरीक्षण प्रसारों सन्दाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुबाव, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक, सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सौंप करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिसे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनु-क्षेप हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होने हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन सन्देश रकम उम रकम से कम है जो कर्मचारी को उस दशा में संदेय होती, जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिवक वारिस/नामनिर्देशितों को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त पंजाब के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का सुविनयुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं; तो यह रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक उस नियत तारीख के भीतर, जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है, और पालिसी को व्यपगत हो जाने दिया जाता है तो, छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किए गए किसी व्यविक्रम की दशा में, उन मृतमदस्थों के नामनिर्देशितियों या विधिवक वारिसों को जो यदि यह छूट न दी गई होती तो उक्त स्कीम के अन्तर्गत होते, बीमा फायदे के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके हकदार नामनिर्देशितियों/विधिवक वारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम में बीमाकृत रकम प्राप्त होने के सात दिन के भीतर सुनिश्चित करेगा।

[संख्या एस-35014/24/84-पी० एफ०-2]

ए० के० भट्टराई, अवर सचिव

New Delhi, the 24th February, 1984

S.O. 781.—Where Messrs Porritts & Spencer (Asia) Limited 113/114, Sector-24 Faridabad (PN/3700) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making 1467GI/83—9

any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit-Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Punjab, maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately. If the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employed been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Punjab and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of

deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominee/legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

[No. S-35014(24)/84-PF.II]

A. K. BHATTARAI, Under Secy.

नई दिल्ली, 25 फरवरी, 1984

का० आ० 782 —केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (vi) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० आ० 3573 तारीख 20 अगस्त, 1983 द्वारा भारत सरकार टकसाव, कलकत्ता को उक्त अधिनियम के प्रयोजनों के लिए 28 अगस्त, 1983 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 28 फरवरी, 1984 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं० एस-11017/3/80-डी-1(ए)]

एम० एच० एम० अखर, अवर सचिव

New Delhi, the 25th February, 1984

S.O. 782.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 3573 dated the 20th August, 1983 the India Government Mint, Calcutta to be a public utility service for the purposes of the said Act, for a period of six months from the 28th August, 1983;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 28th February, 1984.

[No. S-11017/3/80-D.I(A)]

S. H. S. IYER, Under Secy.

New Delhi, the 25th February, 1984

S.O. 783.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Benedih Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh District Dhanbad, and their workmen, which was received by the Central Government on the 18th February, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri I.N. Sinha,
Presiding Officer

Reference No. 82 of 1982

In the matter of an industrial dispute under S. 10(1)(d) of the I.D. Act., 1947

PARTIES :

Employers in relation to the management of Benedih Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad and their workmen.

APPEARANCES

On behalf of the employers :

Shri B. Joshi,
Advocate

On behalf of the workman :

Shri S. Bose,
Secretary,
Rashtriya Colliery Mazdoor Sangh.
INDUSTRY : Coal.

STATE : Bihar

Dhanbad, 8th February, 1984

AWARD

This is a reference under S. 10 of the I.D. Act., 1947. The Central Government by its order No. L-20012(88)/82-D. III(A) dated the 21st July, 1982 has referred this dispute to this Tribunal for adjudication on the following terms:-

SCHEDULE

"Whether the demand of the workmen of Benedih Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad for regularisation in time rated scales of the workmen listed in the annexure below from the year 1978 and 1979, as the case may be, retrospectively, is justified? If so, to what relief are the workmen concerned entitled?"

ANNEXURE

S. No.	Name	Present Designation	Working as	Period from
S/Shri/Smt.				
1.	Dukhan Mia	Miner	Prop Mazdoor	April 1978
2.	Gulabi Mia	"	-do-	-do-
3.	Jahur Mia	"	-do-	-do-
4.	Tajah Mia	"	-do-	-do-
5.	Hrishif Mahato	"	-do-	January 1978
6.	Deonandan Lohar	"	Hammerman	March, 1978
7.	Shankar Lohar	OBR	Prop Mazdoor	April, 1978
8.	Hardyal Mahato	Miner	-do-	June, 1978
9.	Jethu Dhoba	"	-do-	April, 1978
10.	Suchit Rewani	Wagon Loader	-do-	February, 1978
11.	Ratan Saw	Wagon Loader	-do-	February, 1978
12.	Bodhi Mahato	T/Loader	-do-	-do-
13.	Ghatsu Mahato	"	-do-	-do-
14.	Jairam Mahato	O/Loader	-do-	-do-
15.	Ram Pd. Nonia	"	-do-	-do-
16.	Sonichar Kumar	Miner	-do-	Jan, 1979
17.	Radhu Kumhar	"	-do-	-do-
18.	Kesho Kumhar	"	-do-	-do-
19.	Paran Dhoba	"	-do-	-do-
20.	Hafiz Mia	O/Loader	-do-	-do-
21.	Chetlal Dhoba	Miner	-do-	-do-
22.	Puchu Kumhar	"	-do-	-do-
23.	Jaggu Mahali	"	Driller	Jan. 1978,
24.	Ramanand Lala	"	-do-	-do-
25.	Ramdhani Rajbansi	"	-do-	-do-
26.	Motilal Sao	"	-do-	March, 1978
27.	Sudarshan Gope	"	-do-	Jan, 1978
28.	Lachman Das	"	-do-	Jan, 1978
29.	Indrashan Gope	"	-do-	Jan, 1979
30.	Shakti Dhoba	"	Dresser	Jan. 1978
31.	Sikari Majhi	"	Dresser	Jan. 1979
32.	Mukund Dhoba	"	Dresser	Jan. 1979
33.	Ishawar Majhi	"	Explosive Carrier	-do-
34.	Gourishanker Nonia	"	Mason Mazdur	Jan. 1978
35.	Sushila Kamin	T/Loader	Mason Kamin	Jan. 1978
36.	Ramashanker Gope	T/Loader	Payloader Khalasi	-do-
37.	Dunia Kamin	T/Loader	Mason Kamin	-do-
38.	Karmi Kamin	T/Loader	Mason Kamin	-do-

Soon after the receipt of the order of Reference, notices were duly served upon the parties. Parties appeared thereafter and prayed for several adjournments. Accordingly, this Court granted adjournments on the prayer of parties. The reference proceeded along with its course. On 19-1-84 both the parties appeared and prayed for adjournment on the ground that the case is under process of settlement. Accordingly this Tribunal fixed this case for 6-2-84. On that day both the parties appeared and submitted a memorandum of settlement. I find that the terms of settlement are fair and proper and beneficial to both the parties. I accordingly pass an Award in terms of memorandum of settlement which will form part of the award as Annexure.

[No. L-20012(88)/82-D. III (A)]

I. N. SINHA, Presiding Officer.

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT

DHANBAD

Reference No. 82/1982

Employers in relation to the Management of Benedih Colliery

AND

Their workmen

PETITION OF COMPROMISE

The humble petition on behalf of the parties aforesaid most respectfully sheweth :

1. That without prejudice to the respective contentions of the parties, it is submitted that the dispute referred to this Hon'ble Tribunal for adjudication by notification No. L-20012(88)/82-D.III(A) dated 21st July, 1982 has been settled on the following terms :—

Terms of Settlement

1. That S/Shri Jaggu Mahali (Sl. No. 23), Ramanand Lala (Sl. No. 24), Ramdhani Rajbansi (Sl. No. 25), Motilal Saw (Sl. No. 26), Sudarshan Gope (Sl. No. 27) Lachman Das (Sl. No. 28) will be regularised as Driller in category IV with effect from 1st January, 1984 and they will be fixed with the initial starting in category-IV plus three increments

2. That S/Shri Shakti Dhoba (Sl. No. 30), Sikari Majhi (Sl. No. 31) and Mukund Dhoba (Sl. No. 32) will be regularised as dresser in category-III with effect from 1st

January, 1984 and they will be fixed with initial starting in Cat-III plus three increments.

3. That Shri Gouri Shankar Nonia (Sl. No. 34), Smt. Sushila Kamin (Sl. No. 35), Smt. Punia Kamin and Smt. Karmi Kamin will be regularised as Mason Mazdoors in Cat. I with effect from 1st January, 1984 with the initial starting of category-I plus three increments.

4. Shri Indrasan Gope (Sl. No. 29) will be regularised as Explosive Carrier in Cat-II with effect from 1st January, 1984 and he will be fixed with the initial starting in Cat. II plus three increments.

5. That S/Shri Deonandan Lohar (Sl. No. 6), Ishvar Manjhi (Sl. No. 33) and Rama Shankar Gope will be regularised as Hammerman, Explosive carrier and pay loader Khalasi respectively with effect from 1st January, 1984 and they will be fixed in Cat-III, II and II respectively with initial starting of those categories plus three increments.

6. That the rest of the workmen out of the concerned workmen in the reference will be regularised as Prop. Mazdoors in Cat-II with effect from 1st January, 1984 and will be fixed with the initial starting in category-II plus three annual increments.

7. That neither the concerned workmen nor the union on their behalf will claim any difference of wages or any other benefit relating to their absorption in time rated job from piece rated job on regular basis on the change over of job and regularisation has been done on the basis of their own demands made by their own volition for their own benefit.

8. That in view of the settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above, the Hon'ble Tribunal will be graciously pleased to accept the terms of settlement as fair and proper and will be pleased to pass the Award in terms of the settlement.

For the workmen :

(Bajinath Yadav)
Br. Secretary,
Rashtriya Colliery Mazdoor Sangh.
(S. Bose),
Secretary,
Rashtriya Colliery Mazdoor Sangh.

For the Employers :

(S. S. Thakur)
Superintendent,
Benedih Colliery.
(S. C. Gaur),
Personnel Manager,
Barora Area.

S.O. 784.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of Chasnalla Colliery of M/s. Indian Iron and Steel Company Limited, P.O. Chasnalla, District Dhanbad, and their workmen, which was received by the Central Government on the 18th February, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 28 of 1982

PARTIES :

Employers in relation to the management of Chasnalla Colliery of Messrs Indian Iron and Steel Company Limited, Post Office Chasnalla, District Dhanbad.

AND

Their workmen.

PRESENT :

Mr. Justice Manoranjan Prasad (Retd.) Presiding Officer.

APPEARANCES :

For the Employers.—Shri R. S. Murty, Advocate.

For the Workmen—Shri Anand Mohan Prasad, President, Coalfield Labour Union, Chasnalla.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 15th February, 1984

AWARD

By Order No. L-20012(395)/81-D. III(A) dated, the 2nd April, 1982, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication.

"Whether the demand of the workmen of Chasnalla Colliery of Messrs Indian Iron and Steel Company Limited, Post Office Chasnalla, District Dhanbad that Shri Ragho Singh, Tyndal should be reinstated in his original job with continuity of service, keeping in view that he had been acquitted by the Court of Judicial Magistrate, 1 Class, Dhanbad on the 5th July, 1979, is justified? If so, to what relief is the workman concerned entitled?"

2. The case of the management is that the concerned workman, Ragho Singh, was employed as a Tyndal in the Chasnalla colliery. In the night of 29/30-10-72 six coal drill machines (3 rock drillers and 3 jigger machines) were stolen from the colliery stores. Almost immediately the entire lot was traced by the police and seized from a friend of the concerned workman at Sindri and it transpired that the concerned workman had himself carried those materials in his car to his friend's house at Sindri. Police was informed and simultaneously a chargesheet was issued to the concerned workman on 30-10-72 for misconduct. He replied to the chargesheet on 6-11-72 and his defence was that he had been falsely implicated but he admitted that he found the machines in the house of his relative on 30-10-72 and that those had been kept by some one else on the previous night. Full opportunities were given to the concerned workman to face the enquiry which he availed and witnesses were examined on behalf of the management who were cross-examined at length. The concerned workman not only examined himself but also examined a number of defence witnesses. The Enquiry Officer found that the charges were fully established against the concerned workman, and the management, agreeing with the same and considering the seriousness of the misconduct, dismissed him with effect from 23-2-73. Thereupon the Chasnalla Mines Mazdoor Union, which was functioning at Chasnalla, took up the case of the concerned workman and raised an industrial dispute sometime in the year 1973. The Conciliation Officer started conciliation proceedings, but on being satisfied, on perusal of relevant documents of both sides, about the propriety of the act on of the management, dropped the matter and the Central Government earlier refused to refer the dispute for adjudication and the management had, therefore, given a quietus to the dispute. Since, however, the concerned workman was virtually starving and the Chasnalla Mines Mazdoor Union which had taken up his case earlier again approached the management to consider the case of the concerned workman sympathetically, the management took pity on him and he was given fresh appointment as a Cat. I mazdoor in H. K. Quarry and he has since been working as such. Subse-

quently it appears that the sponsoring union, the Coalfield Labour Union, has taken up the stale case of the concerned workman with a view to establish itself in Chasnalla colliery and to steal a march over the Mine Mazdoor Union which was instrumental in persuading the management to give the concerned workman a fresh appointment as Cat. I mazdoor in order to save him from starvation. The concerned workman is certainly not now acting as a Tyndal at Chasnalla and there is no question of his working as Tyndal as the Chasnalla Shaft Mines are lost after Chasnalla disaster on 27-12-75 which are yet to be re-opened. The concerned workman was, no doubt, subsequently acquitted in 1979 in the criminal case started against him by the police but

what was due to non-examination of the material prosecution witnesses and such an acquittal in a criminal case does not merit any interference with his dismissal after a fair and proper domestic enquiry. The contention of the management, therefore, is that the demand that the concerned workman Ragho Singh should be reinstated in his original job of Tyndal with continuity of service keeping in view that he had been acquitted by the court of the Judicial Magistrate, First Class, Dhanbad, on 5-7-1979 is not justified and it should be rejected.

3. The case of the concerned workman, on the other hand, is that the Government of India in the Ministry of Labour vide their letter No. L-20012/136/73-LR.II/D.IIIA, dated 23-6-1975 had intimated to the General Secretary of the Mines Mazdoor Union and to the Senior Manager of Chasnalla colliery that the Government was not taking any action in the dispute as a criminal case was pending. The said criminal case, however, subsequently ended in his acquittal whereafter he approached the management to reinstate him on his previous job, but the management offered him only Cat. I job which he accepted because of the adamant attitude of the management though after his acquittal he should have been reinstated on the post held by him before his dismissal with continuity of service and back wages. His contention, therefore, is that he should be reinstated to the original post held by him before his dismissal and paid the difference of wages with continuity of service and seniority.

4. In this case certain documents have been filed and exhibited on either side after dispensing with their formal proof. But no oral evidence has been led by either side as both Sri R. S. Murty appearing on behalf of the management and Sri Anand Mohan Prasad appearing on behalf of the concerned workman had submitted that they do not propose to lead any oral evidence and that the case may be argued on the documents exhibited. Thereafter arguments were heard and the award was reserved.

5. Ext. M-2 is the chargesheet dated 30-10-72 which was served by the Senior Manager, Chasnalla colliery, on the concerned workman, Ragho Singh. In the said chargesheet it was stated that in the night of 29-10-72/30-10-72 between 10 p.m. and 1 a.m. he was reported to have removed six coal drilling machines being nos. 3, 4, 5, 8, 9 and 10, three rock drills being nos. 11, 14 and 15 and three jigger machines being nos. 1, 4 and 10 belonging to the colliery from the colliery premises to the house of his relative Lal Bahadur Singh at Sindri in his car No. WBE 3627 knowing and having reasons to believe that the machineries belonged to the company, and thereby committed misconduct within the meaning of clause 18(1)(a) of the certified Standing Orders. The concerned workman was asked to show cause within 48 hours in writing why disciplinary action should not be taken against him for the aforesaid misconduct, and he was simultaneously suspended pending enquiry.

6. Thereupon the concerned workman submitted his explanation (Ext. M-3) in which he denied the charge and contended that the theft of the machineries was committed by some unknown person as per information lodged by the management before the police, but he had been falsely implicated in this case by the machination of the local police of Sudamdih out post whom he had failed to oblige by refusing to allow them to have free use of his car. According to him, the real fact was that in the evening of 30-10-72 when he visited the quarter of his relative Lal Bahadur Singh at Sindri to pay a courtesy call he found some coal cutting machineries in his house and on enquiry he informed him that some persons had kept them in his house on the previous night on the understanding that they would take them back on the next day. On return to the colliery he had done his duties as usual and there he had come to know about the theft of some machineries from the colliery premises on the previous night and when the police came to enquire about the matter he had merely stated about his seeing some coal cutting machineries in the house of Lal Bahadur Singh whereupon the police officer had asked him to show them the house of Lal Bahadur Singh and thereupon all of them had accompanied him in his car to the house of Lal Bahadur Singh where the police officer recovered all the machineries

from the house of Lal Bahadur Singh. As the stolen articles were found in possession of Lal Bahadur Singh he was also brought under arrest to the police station along with the machineries in his car. Later on, curiously enough, by some underhand arrangements made by the police officer with Lal Bahadur Singh, Lal Bahadur Singh was not forwarded to the court as accused and instead the concerned workman was made an accused and forwarded to the court on 1-11-72. However, the learned Sub-divisional Magistrate granted him bail and also called a report from the local police as to why Lal Bahadur Singh from whose possession stolen articles were recovered had not been made an accused. On those grounds he had prayed for withdrawal of the chargesheet against him.

7. From the enquiry proceedings which have been collectively marked as Ext. M-5 it appears that in respect of the said occurrence not only the concerned workman Ragho Singh was chargesheeted and proceeded against but four other workmen, namely, M. M. Pandey, Mechanical Helper; Joseph Toppo, Welder; Tika Ram Bhusal, Fitter and Baliram Singh, Watchman, were also similarly chargesheeted and simultaneously proceeded against and a joint enquiry was held against all of them by Sri G. H. Chatterjee, Asstt. Personnel Officer, Jharkhand colliery in which as many as 12 witnesses were examined on behalf of the management and four witnesses were examined as defence witnesses besides the examination of the concerned workman Ragho Singh and three other workmen proceeded against, namely, Tika Ram Bhusal, M. M. Pandey and Joseph Toppo. Baliram Singh, who was another workman proceeded against, did not attend the enquiry.

8. Ext. M-6 is a long typed enquiry report dated 27-1-73 of the Enquiry Officer, Sri G. S. Chatterjee, in which he held that the charge of theft which is a misconduct under clause 18(1)(a) of the certified Standing Orders, had not been established against M. M. Pandey, Mechanical Helper; Joseph Toppo, Welder and Tikaram Bhusal; Fitter; but they were guilty of leaving work without permission or sufficient reason which is a misconduct under clause 18(1)(p) of the certified Standing Orders (Ext. M-11). He further found Baliram Singh, watchman, who had not attended the enquiry, as the primary person who was responsible for the theft and he held him guilty of misconduct under clause 18(1)(a) of the certified Standing Orders. He further held the concerned workman Ragho Singh guilty of theft which is a misconduct under clause 18(1)(a) of the certified Standing Orders.

9. In the present reference we are, however, not concerned with the other workmen, namely, M. M. Pandey, Mechanical helper; Joseph Toppo, Welder; Tikaram Bhusal, Fitter and Baliram Singh, Watchman; and we are concerned only with the concerned workman Ragho Singh, Tyndal, who, on the basis of the said enquiry report, was dismissed by letter dated 23-2-73 (Ext. M-7) with immediate effect by the Senior Manager, Chasnalla colliery.

10. After the aforesaid dismissal of the concerned workman Ragho Singh, Tyndal, with effect from 23-2-73 it appears that the General Secretary of the Chasnalla Mines Mazdoor Union had raised an Industrial Dispute before the Asstt. Labour Commissioner (C), Dhanbad-II by his letter dated 25-8-73 (Ext. M-1), but the Central Government in the Ministry of Labour by letter dated 23-6-75 (Ext. W-1) had informed the Senior Manager, Chasnalla colliery as also the General Secretary, Chasnalla Mines Mazdoor Union in continuation of letter dated 27-9-73 that the Government was not taking any action in the dispute as a criminal case against the concerned workman which had a bearing in this case, was pending in the District Court for final decision. In the meantime it appears that the concerned workman had made a mercy petition dated 21-3-75 to the management for his reinstatement on which the management by its letter dated 31-7-75 (Ext. M-8) informed the concerned workman that it was not possible to reinstate him on the post held by him before but on compassionate ground the management was prepared to offer him the post of a mazdoor in Cat. I on commencing basic salary of Rs. 10 per day in the grade of Rs. 10-0-20-12 plus other benefits as admissible as a fresh entrant for three months at H.K. Quarry during which period his performance will be judged

and only after that he will be confirmed. Ext. M-9 is the appointment letter dated 2-8-75 appointing the concerned workman as Cat. I mazdoor as offered and Ext. M-14 is the bio-data form dated 2-8-75 submitted by the concerned workman along with a medical certificate of fitness dated 2-8-75 (Ext. M-13) on which a joining report dated 4-8-75 (Ext. M-12) was issued by the Manager of Chasnalla colliery certifying that he joined his duty from 4-8-75 as unskilled mazdoor; and in that capacity he is still admittedly continuing to work.

10. The concerned workman had, however, represented to the Area Manager of Chasnalla Colliery by petition dated 1-6-78 (Ext. W-3) for being given his original post instead of being given the post of a mazdoor in Cat. I. Along with his said petition he had also enclosed a copy of the letter dated 6-5-75 (Ext. W-2) written by the then Dy. Commissioner, Dhanbad to the Chief Executive, Chasnalla colliery in which the Deputy Commissioner had recommended to the management to amend the error committed by the management so that a loyal and faithful worker as Sri Ragho Singh is whom he personally know who had helped the management a lot during the rescue and relief operations, is not put to unnecessary trouble and harassment.

11. As already mentioned above, a first information report concerning the same said occurrence of theft of drill machines from the colliery stores in the night of 29/30-10-72 was also lodged before the police leading to a police case which was subsequently disposed of by judgement dated 5-7-79 (Ext. M-10) passed by Sri Sambhu Prasad Sah, Judicial Magistrate, First Class, Dhanbad, in Cr.R. Case No. 2325 of 1972/T.R. Case No. 1483 of 1979. A perusal of the said judgement would show that the police case was instituted not only against the concerned workman Ragho Singh but also against one Swaminath Bhagat and three others, namely, Baban Yadav, Basir Mia and Baliram Singh but since Baban Yadav, Basir Mia and Baliram Singh had absconded their case was separated and the trial had proceeded only against the concerned workman Ragho Singh and Swaminath Bhagat on charges under sections 457, 380 and 411 of the Indian Penal Code but both of them were acquitted of all the charges for complete want of any incriminating evidence against them.

12. It is after the said acquittal of the concerned workman Ragho Singh by the criminal court by judgement dated 5-7-79 (Ext. M-10) that the present reference has been made by the Central Government in the Ministry of Labour to the effect as to whether the demand of the workmen of Chasnalla colliery that the concerned workman Ragho Singh, Tyndal, should be reinstated in his original job with continuity of service, keeping in view that he had been acquitted by the Court of Judicial Magistrate, First Class, Dhanbad, on 5-7-79, is justified.

13. As already mentioned above, for want of any incriminating evidence the concerned workman Ragho Singh has been acquitted by the criminal court by judgement dated 5-7-79 (Ext. M-10) of all the charges under sections 457, 380 and 411 of the Indian Penal Code in respect of the same occurrence of theft of drilling machines from the stores of Chasnalla colliery in the night of 29/30-10-72 in respect of which he had been earlier also departmentally proceeded against and found guilty of theft which is a misconduct under clause 18(1)(a) of the certified Standing Orders and was accordingly dismissed from his post of Tyndal with effect from 23-2-73. This, therefore, necessarily requires an examination of the departmental proceedings to see if the evidence adduced at the departmental enquiry justified a finding of theft against the concerned workman Ragho Singh which is a misconduct under clause 18(1)(a) of the certified Standing Orders. As already mentioned above as many as 12 witnesses were examined at the departmental enquiry on behalf of the management and 4 witnesses were examined as defence witness, besides the examination of the concerned workman Ragho Singh. Out of the 12 witnesses examined on behalf of the management as many as 9, namely, Amarjit Singh, Foreman (Mech.); Md Abdul Rahaman, Asstt. Foreman; M. S. John, Foreman; Redeshi Hazam, Clerk; K. Bhattacharjee, Colliery Engineer; Hridaynand Misra; Sundar Singh, Watchman; Birju Singh,

Watchman and Mouli Singh, Watchman had said nothing against the concerned workman Ragho Singh to incriminate him in any way with the offence of theft. Out of the remaining 3 witnesses examined on behalf of the management, Bikrama Singh, Havildar, had simply stated that on the night of occurrence at about midnight he had seen the concerned workman Ragho Singh sitting in his car after opening its bonnet near the water tanki and Sibdeep Singh, Havildar had simply stated that on the night of occurrence after the occurrence he had seen the concerned workman, Ragho Singh in his car on the road which was standing east of the quarter of one Lalan Singh with bonnet of the car opened. The aforesaid evidence of Bikrama Singh and Sibdeep Singh, Havildars, however, do not incriminate the concerned workman Ragho Singh with the offence of theft of drilling machines from the colliery stores, specially when one says that he saw Ragho Singh with his car near the water tanki and the other says that he saw the same on the road to the east of the quarters of one Lalan Singh, there being no evidence on the record to show that the water tanki is near the house of Lalan Singh or the water tanki or the house of Lalan Singh is nearabout the colliery stores in which theft had taken place. Both Bikrama Singh and Sibdeep Singh had also stated in their cross-examination that at that time they did not question Ragho Singh or searched his car as he used to ply his car both in the night and also during day time for transporting passengers on hire and there was nothing unusual for them to suspect. On the other hand, the other 9 witnesses examined on behalf of the management named above had made categorical statements in their cross-examination that on that night they had not seen the concerned workman Ragho Singh or his car. In the circumstance, the aforesaid evidences of Bikrama Singh and Sibdeep Singh, Havildars do not incriminate the concerned workman Ragho Singh with the offence of theft of drill machines from the stores of Chasnalla colliery.

14. Then there remains only the evidence of Sri D. N. Roy Security Inspector of Chasnalla Colliery on whose evidence the Enquiry Officer mainly appears to have relied in holding the concerned workman Ragho Singh guilty of theft. Sri D. N. Roy had stated in his evidence in the departmental enquiry that on 29-10-72 at about 11 p.m. in the night Amarjit Singh, Foreman and Abdul Rahaman, Asstt. Foreman had come to his residence when he was sleeping and was unwell and when they called him he got up and enquired from them as to what was the matter and thereupon they told him that some drill machines had been stolen from the workshop not by breaking open the lock but by bending the window bars. He had further deposed that they had requested him to depute an extra watchman which he did and thereafter in the following morning he himself went to the colliery workshop at 7.30 a.m. where he found Sri Bhattacharjee, Colliery Engineer, and Sri Sawada, Mining Adviser present and Sri John checking the number of stolen machines so that a report may be prepared for being submitted to the police and thereafter the report was prepared and signed by the Senior Manager which he took to the Sudamdih Police Station where the F.I.R. was lodged and thereafter with Sri Guptheswar Sinha, Sub-Inspector of police and Jamadar he came back to the colliery by 10 a.m. and there the police officer enquired from the Manager about the theft and from there they all went to the colliery workshop where theft had taken place. He had next stated about the police investigation which took place on 30-10-72 in which the workers and watchmen of the colliery were examined by the police but Baliram Singh, Watchman, was found absent inspite of search who, however, subsequently appeared and was arrested because of certain suspicious statements made by him and was forwarded to the police station at 12 noon. He had further stated that the Sub-Inspector of police of Sudamdih had in the evening of 30-10-72 dined Baliram Singh, Watchman, at the Police Station by telling him that one Basir had been arrested and the entire stolen articles had been recovered and hence he should disclose everything about the theft otherwise the consequence would not be good whereupon Baliram Singh told the Sub-Inspector of police that the stolen articles had been removed in Car No. WRE 3627 of the concerned workman Ragho Singh and in the theft there was the hand of one ex-worker Swaminath and one outsider named Baban. He had further stated that the

police officer arrested Swaminath at about 10-30 p.m. at his residence who too had disclosed everything about the theft and Swaminath had further disclosed that the stolen articles had been taken in the car of the concerned workman Ragho Singh to Sindri and thereafter the police took Swaminath to Saharpura and searched upto midnight for the house in which the stolen articles were alleged to have been kept but it could not be located and Swaminath had thereupon stated that since he had come in the car of Ragho Singh to Sindri in the preceding night at dead of night he was unable to locate that quarter in which the stolen article had been kept. He had further stated that thereafter the police returned back to Chasnalla and he along with the police went to the South Colony area at about 1 a.m. in the night to the quarter of the concerned workman Ragho Singh and found his car No. WBE 3627 parked there and on being called by the police Ragho Singh got up and came out whereupon the Sub-Inspector of police asked Ragho Singh to start his car which he did whereafter the sub-inspector of police along with a constable sat in that car which was driven by Ragho Singh and they all again proceeded towards Sindri and after reaching Saharpura Ragho Singh started turning his car left and right and on enquiry he said that he wanted to go to the house of Sri Jagannath, Dy. Inspector, Irrigation, whereupon the Sub-Inspector of Sudamdih Police Station told him that he would go there while returning and that he should at first take them to the house where the stolen articles had been kept and sometime thereafter at about 2 p.m. in the night they reached at quarters No. RML-24 belonging to Lal Bahadur Singh, charge mechanic, Fertiliser Corporation of India, where they all got down from the car and by that time the jeep which was following them also reached there. He had next deposed that thereafter at the instance of the Sub-Inspector of Sudamdih Police Station Ragho Singh called Lal Bahadur Singh who opened the door and came down whereafter they all entered inside the quarter and the sub-inspector of police of Sudamdih Police Station disclosed his identity to Lal Bahadur Singh and asked him to show the articles which had been stolen from Chasnala colliery whereupon Lal Bahadur Singh pleaded ignorance and said that he did not know that they were stolen articles and further disclosed that on the preceding night at about 1-30 a.m. Ragho Singh had brought those articles and had asked him to keep them for the night which he would take back in the following morning and thereafter Lal Bahadur Singh showed to the police officer the stolen articles which were kept in a small room which he identified as the stolen articles which were seized by the police officer under a seizure list. He had next stated that thereafter the seized stolen articles were loaded in the car of Ragho Singh but since they were too heavy and there were a number of passengers the left side spring of the car gave way and was broken whereafter some of the stolen articles were taken out from the car and kept in the jeep and slowly they reached Chasnalla at about 4 a.m. in the following morning via Sindri police station whereafter the police officer dropped him at his quarter and went back to Sudamdih police station with the car and the jeep.

15. From the aforesaid statement of Sri D. N. Roy, Security Inspector of Chasnala Colliery, made before the Enquiry Officer it would also appear that he too is also not an eye witness to the occurrence of theft nor he had seen the concerned workman Ragho Singh removing any stolen articles in his car nor the stolen articles were recovered from the possession of the concerned workman Ragho Singh. On the other hand, the stolen articles were recovered from the house of one Lal Bahadur Singh of Saharpura, Sindri. But Sri D. N. Roy had in his statement before the Enquiry Officer alleged two incriminating circumstances against the concerned workman Ragho Singh to connect him with the offence of theft. Firstly, it was alleged by him that it was the concerned workman Ragho Singh who had led him and the police officer to the house of Lal Bahadur Singh from where the stolen articles were recovered. The explanation for this given by the concerned workman Ragho Singh in his written explanation (Ext. M-3) submitted before the Enquiry Officer as well as in his statement made before the Enquiry Officer was that in the evening of 30-10-72 when he had visited the quarter of his relative Lal Bahadur Singh at Sindri to pay a courtesy call he found some coal cutting machines in his house and on enquiry he informed

him that some persons had kept these machines in his house on the previous night on the understanding that they would take them back on the following day and on return to the colliery when he had done his duty as usual he came to know about the theft of some machines from the colliery premises on the previous night and when the police came to enquire about the matter he had merely stated about his seeing some coal cutting machines in the house of Lal Bahadur Singh whereupon the police officer had asked him to show them the house of Lal Bahadur Singh and thereupon all of them accompanied him in his car to the house of Lal Bahadur Singh where the police officer recovered all the machines from the house of Lal Bahadur Singh. In the background of the aforesaid explanation given by the concerned workman the mere taking of the police officer by the concerned workman to the house of Lal Bahadur Singh at Sindri from where the stolen machines were recovered does not prove that the concerned workman had either committed theft of these machines or had removed or concealed them at the house of Lal Bahadur Singh. The only other incriminating statement which Sri D. N. Roy, Security Officer, Chasnala colliery, had made before the Enquiry Officer was that Baliram Singh, Watchman and Swaminath, ex-worker, who were two other suspects in this case, had told the officer incharge of Sudamdih Police Station that the stolen machines had been removed in the car of Ragho Singh, and that Lal Bahadur Singh from whose quarters at Sindri the stolen articles were recovered had also stated before the sub-inspector of police, Sudamdih Police Station that the stolen machines had been brought to his house by Ragho Singh. This seems to be the solitary incriminating statement of Sri D. N. Roy, Security Inspector of Chasnala colliery made before the Enquiry Officer to connect the concerned workman Ragho Singh with the removal of stolen machines in his car. It may, however, be noted here that neither Baliram Singh, Watchman, nor the ex-worker Swaminath nor Lal Bahadur Singh who are alleged to have made the aforesaid incriminating statements before the sub-inspector of police of Sudamdih Police Station nor the sub-inspector of police of Sudamdih Police Station before whom the said incriminating statements are said to have been made, were examined in the departmental enquiry and all these statements were brought on the record through the mouth of Sri D. N. Roy, Security Inspector of Chasnala colliery as hearsay evidence without giving any chance to the concerned workman to cross-examine either Baliram Singh, Watchman, or ex-worker Swaminath or Lal Bahadur Singh thus denying the concerned workman the principles of natural justice. Moreover, the aforesaid incriminating statement coming as they did from the accomplices is obviously tainted, on which no reliance can be placed in the absence of any independent corroboration.

16. Sri R. S. Murty, Advocate, appearing on behalf of the management while conceding that the aforesaid statement of Sri D. N. Roy, Security Inspector of Chasnala Colliery regarding the aforesaid incriminating statement having been made by Baliram Singh, Watchman; Swaminath, ex-worker and Lal Bahadur Singh, is hearsay evidence which is not at all admissible in a criminal court specially when they are alleged to have been made before a police officer in course of the investigation of a police case, however, cited a decision of the Supreme Court in the case of Balakrishna Misra Vs. Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Orissa and another (1977) (35) F.L.R. 11 in support of his contention that even hearsay evidence is admissible in disciplinary proceedings to which the Evidence Act does not apply. In that Supreme Court decision what had happened was that the petitioner was dismissed from service on the allegation that on February 1, 1971 he had tampered with the pay sheet by inserting the figure '1' before Rs 88.05 against the amount payable to him for the month of January, 1971. It was alleged by the employer that the petitioner had gone to the time office during early hours of February 1, 1971 before the Asstt. Town Manager had signed the pay rolls and the petitioner surreptitiously inserted the figure '1' before Rs. 88.05 in the pay roll in the net amount receivable by him and thereby converted the actual amount payable to him from Rs. 88.05 to Rs 188.05 with dishonest intention in order to make a wrongful gain of Rs. 100. This was detected after the pay rolls were despatched by an officer of the Audit Section on February 4, 1971 while checking

the pay roll. The petitioner had submitted his explanation but the same was not found to be satisfactory and a domestic enquiry was conducted on March 16, 1971. The petitioner participated in the enquiry. The Enquiry Officer found the petitioner guilty of the charge and finally dismissed him from service on May 7, 1971. An industrial dispute was started and the Central Government referred the dispute to the Industrial Tribunal as to whether the action of the management was justified in dismissing the petitioner from May 7, 1971. The Tribunal after considering the material on record came to the conclusion that the action of the management was justified in dismissing the petitioner from service and the petitioner was not entitled to any relief. As against the aforesaid decision of the Tribunal the petitioner preferred a Writ Petition in the Supreme Court. The Supreme Court examined the evidence adduced before the Tribunal and came to the conclusion that the evidence justified the finding of the Tribunal that the petitioner had tampered with the pay sheet by inserting the figure '1' before Rs. 88.05 and declined to interfere with the finding of the Tribunal. In that case it was also contended on behalf of the petitioner before the Supreme Court that the Tribunal had also accepted the statement of MW-1 regarding the query made by the wife of the petitioner as to why he was paying her only Rs. 88.05 when the petitioner had informed her that the amount would be Rs. 188.05 which was no admissible in evidence as the same is heresay. Their Lordships of the Supreme Court, however, observed that such a statement cannot be said to be heresay as MW-1 had stated about the enquiry made by the wife of the petitioner while he handed over the money to her. Their Lordships of the Supreme Court, however, further observed that even assuming that it is heresay evidence, there is no bar on the part of the competent authority to rely on the same in a departmental proceeding as the Evidence Act has no application to such a proceeding and it is the principles of natural justice which should be followed. That Supreme Court decision is, however, quite distinguishable as in that case, firstly, the aforesaid statement of the wife of the petitioner was not held to be heresay, and, secondly, because there were other incriminating evidence on the record to find the petitioner guilty of having tampered with the pay sheet by inserting the figure '1' before Rs. 88.05. But in the instant case the aforesaid alleged incriminating statement of Baliram Singh, Watchman, Swaminath, ex-worker and Lal Bahadur Singh brought on record through the mouth of Sri D. N. Roy, Security Inspector of Chasnalia Colliery regarding the complicity of the concerned workman Raghe Singh with the offence of theft or removal of stolen machines in his car are admittedly heresay and even if such a heresay evidence is held to be admissible in departmental proceeding the same coming as it does from the mouth of accomplices is too tainted to be relied on in the absence of any independent corroboration and without the concerned workman having been given a chance to cross-examine them. In the circumstances practically there is no reliable management's evidence on the record of the enquiry proceedings to find the concerned workman Raghe Singh guilty of theft which is a misconduct under clause 18(1) (a) of the certified Standing Orders (Ext. M-11) of which he has been found guilty in the departmental enquiry leading to his dismissal as a Tyndal with effect from 23-2-1973. It is worthwhile to mention here that for complete absence of any incriminating evidence he has also been acquitted by the criminal court in respect of the same occurrence of the charges under sections 457, 380 and 411 of the Indian Penal Code by judgement dated 5-7-1979 (Ext. M-10).

17. As already mentioned above, the concerned workman Raghe Singh had also examined himself in the departmental enquiry and he had further examined four defence witnesses.

The concerned workman Raghe Singh had stated that on 29-10-72 his car bearing No. WBF 3627 had gone out of order and he had given it for repair in a garage at Gosala and thereafter in that night he had witnessed a dance performance with Khajanchi Singh of Gosala and he had returned to his quarter in the following morning of 30-10-72 and then he had attended his duty from 7 a.m. to 3 p.m. and then he had again gone to Gosala to bring his car and got his car at about 8 p.m. after it was repaired by A. K. Khan, Mechanic, for which he had paid Rs. 89 as repairing charge in respect of which he had also produced a bill dated 29-10-72 before the Enquiry Officer. He had also examined the said Khajanchi Singh who had stated that he was a contractor of Gosala which is near Sindri and that on 29-10-72 a dance performance had started at Gosala at 10 p.m. which was witnessed by Raghe Singh along with him and it continued till 2 a.m. whereafter Raghe Singh slept at his dalan and left his place in the following morning at 6 a.m. Rameshwar Singh was another defence witness who had stated that he was a helper of Mechanic A. M. Khan and that on 29-10-72 Raghe Singh had come with his car to the garage at 5.30 p.m. or 6 p.m. for repairing it and thereafter Raghe Singh and Khajanchi Singh went away to see the dance performance and on the following day on 30-10-72 at about 6 or 6.30 p.m. he came to the garage and took away his car. The said mechanic A. M. Khan was also examined as a defence witness who had deposed that at Gosala in Sindri he has got his garage since last 5 to 6 years and on 29-10-72 Raghe Singh's car had gone out of order near B. I. T. Hospital on the road and from there it was brought to his garage by pushing for repair and on the following day it was repaired and thereafter in the evening he took away his car after making payment of the repairing charges. Rameshwar Singh was yet another defence witness who had deposed that he is a trainee in the garage of A. M. Khan and he and some others of the garage had brought the car from near the police outpost by pushing it had on opening it was found that its clutch plate had gone out of order and the said car was repaired on the following day and after trial it was given to Raghe Singh. It is, however, not necessary to make any detailed comment on the aforesaid defence evidence as already stated above, practically there is no reliable management's evidence on the record of the enquiry proceedings to find the concerned workman Raghe Singh guilty of theft which is a misconduct under clause 18(1)(a) of the certified Standing Orders (Ext. M-11) of which he has been found guilty in the departmental enquiry leading to his dismissal as a Tyndal with effect from 23-2-1973 and for complete absence of any incriminating evidence he has also been acquitted by the criminal court in respect of the same occurrence of the charges under clauses 457, 380 and 411 of the Indian Penal Code by judgement dated 5-7-79 (Ext. M-10).

18. In the result, it is held that the demand of the workmen that Sri Raghe Singh, Tyndal, should be reinstated in his original job with continuity of service keeping in view that he had been acquitted by the court of the Judicial Magistrate, First Class, Dhanbad, on 5-7-1979 is justified and in that view of the matter it is directed that the concerned workman Raghe Singh be reinstated in his original job of Tyndal with effect from 23-2-1973 with continuity of service and arrears of back wages. The reference is answered and the award is made accordingly. But in the circumstances of the case there will be no order as to cost.

MANORANJAN PRASAD, Presiding Officer
[No. L-20012(395)/81-D.III(A)]
A. V. S. SARMA, Desk Officer